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ABSTRACT

This complete text of committee hearings presents testimonies on learning disabilities and their relation to juvenile delinquency. (Author/LEB)

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1977

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 1137

TO DIRECT THE COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO ORGANIZE AND CONVENE A NATIONAL CONFERENCE ON LEARNING DISABILITIES AND JUVENILE DELINQUENCY, AND FOR OTHER PURPOSES

AND

H.R. 6111

TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, AND FOR OTHER PURPOSES

HEARING HELD IN WASHINGTON, D.C.
APRIL 22, 1977

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1977

FRIDAY, APRIL 22, 1977

House of Representatives,
Subcommittee on Economic Opportunity
of the Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:42 a.m. in room 2175, Rayburn House Office Building, Hon. Ike Andrews (chairman of the subcommittee) presiding.

Members present: Representatives Andrews and Corrada.

Staff present: William F. Causey, counsel; Gordon A. Raley, majority staff; Fran Stephens; majority staff; and Martin LaVor, minority staff.

Mr. Andrews. The subcommittee will come to order, please.

Good morning, ladies and gentlemen. Let me welcome you to the hearing.

If I may, for purposes of the record, read a brief statement. The subject of the Juvenile Justice and Delinquency Prevention Act of 1974 lies within the jurisdiction of this subcommittee. Section 308 of the act provides that the programs funded through the Office of Juvenile Justice and Delinquency Prevention, the National Institute for Juvenile Justice, and the runaway youth programs of the Office of Youth Development of the Department of Health, Education and Welfare shall expire the end of fiscal year 1976 unless specifically reauthorized by the Congress.

These hearings are for the purpose of soliciting public and private reaction to legislation to extend and amend the 1974 act. Specifically H.R. 6111, a bill I introduced on April 6 with Mr. Perkins, chairman of the Committee on Education and Labor, would extend the act for 3 years and provide for several amendments designed to strengthen and improve the efficiency and effectiveness of existing juvenile justice and youth programs. H.R. 1137, introduced by Congressman Pepper, who will appear before the subcommittee this afternoon, would create a National Conference on Learning Disabilities and Juvenile Delinquency.

Finally, reaction is solicited to a proposal which would authorize the President to transfer the runaway youth program from HEW to ACTION with congressional approval.

[Text of H.R. 1137 and H.R. 6111 follows:]

[redacted]

SHORT TITLE

SECTION 1. (a) This Act may be cited as the "Juvenile Justice and Delinquency Prevention Amendments of 1977".

(b) As used in this Act, the term "the Act" means the Juvenile Justice and Delinquency Prevention Act of 1974.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 2. (a) The following sections of the Act are each amended by striking out "Assistant" each place it appears and inserting in lieu thereof "Associate": sections 201, 204 (i), 206(a)(1) and (b), 241, 246.

(b) Section 201(g) of the Act is amended by striking out "first" and inserting in lieu thereof "second".

(c) To assure that the delegation of authority to the Associate Administrator mandated by the Act, including section 545, is accomplished, seections 204(l)(1) (second appearance), 208 (b), (c), and (e), 223 (14), (20), and (21), 243(4), 246, 249, 250, and 251 of the Act are each amended by inserting the word "Associate" prior to the word "Administrator" wherever it appears.

(d)(1) Section 204(b) of the Act is amended by insert-

ing immediately after "shall" in matter preceding paragraph (1) the following: "with the assistance of Associate Administrator".

(2) The first sentence of section 204(b)(5) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(3) Section 204(b)(6) of the Act is amended by inserting "and the Coordinating Council" after "Advisory Committee".

(4) Section 204(f) of the Act is amended by inserting "Federal" after "appropriate authority,".

(5) Section 204(g) of the Act is amended by striking out "part" and inserting in lieu thereof "title".

(6) Section 204(j) of the Act is amended by inserting "organization," after "agency,", and by striking out "part" and inserting in lieu thereof "title".

(7) Section 204(k) of the Act is amended by striking out "part" and inserting in lieu thereof "title", and by striking out "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting in lieu thereof "title III of this Act".

(e) Section 205 of the Act is amended by inserting immediately before the period at the end of the first sentence, the following: "whenever the Associate Administrator finds

the program or activity to be exceptionally effective or for which the Associate Administrator finds exceptional need".

(f)(1) Section 206(a)(1) of the Act is amended by striking out "the Director of the Special Action Office for Drug Abuse Prevention" and inserting in lieu thereof "the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of ACTION".

(2) Section 206(d) of the Act is amended by striking out "six" and inserting in lieu thereof "four".

(3) Subsection (e) of section 206 of the Act is amended—

(A) by striking out paragraphs (1) and (2);

(B) by striking out "(3) The Executive Secretary" and inserting in lieu thereof "(e) The Associate Administrator"; and

(C) by inserting "or staff support" after "personnel".

(g)(1) Section 207(c) of the Act is amended by inserting ", including youth workers involved with alternative youth programs" after "community-based programs", and by inserting immediately before the period at the end thereof the following: ", of whom at least three shall have been under the jurisdiction of the juvenile justice system".

(2) Section 207(d) of the Act is amended by inserting

at the end thereof the following new sentence: "Eleven members of the committee shall constitute a quorum."

(h)(1) Section 208(b) of the Act is amended by inserting ", the President, and the Congress" after "the Administrator".

(2) Section 208(d) is amended by inserting "not less than" after "subcommittee of" and by striking out ", together with the Director of the National Institute of Corrections,".

(3) Section 208(e) of the Act is amended—

(A) by inserting "not less than" after "subcommittee of"; and

(B) by striking out "to the Administrator" and by striking out "the Administrator of".

(4) Section 208(f) of the Act is amended to read as follows:

"(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.".

FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 3. (a) Section 221 of the Act is amended by striking out "local governments" and inserting in lieu thereof "units of general local government or combinations thereof", and by inserting "grants and" after "through".

(b) Section 222 of the Act is amended by striking out subsections (c) and (d).

(c)(1) Section 223(a)(3)(C) of the Act is amended by inserting "business groups and businesses employing youth;" immediately after "programs;".

(2) Section 223(a)(3)(E) of the Act is amended by inserting before the semicolon at the end thereof the following: ", of whom at least three are or have been under the jurisdiction of the juvenile justice system".

(3) Section 223(a)(4) of the Act is amended by striking out "local governments" the first place it appears therein and inserting in lieu thereof "units of general local government or combinations thereof".

(4) Section 223(a)(5) of the Act is amended by striking out "local government" and inserting in lieu thereof "units of general local government or combinations thereof".

(5) Section 223(a)(6) of the Act is amended by striking out "local government" and inserting in lieu thereof "unit of general local government", and by inserting "or to a regional planning agency" after "local government's structure".

(6) Section 223(a)(8) of the Act is amended by inserting before the semicolon at the end thereof a period and the following: "Programs and projects developed from the study may be funded under paragraph (10) provided that they

meet the criteria for advanced technique programs as specified therein".

(7) The first sentence of section 223(a)(10) of the Act is amended by striking out "local government" and inserting in lieu thereof "unit of general local government or combination thereof", and by inserting "grants and" after "or through".

(8) Section 223(a)(10) of the Act is further amended by inserting "and to encourage a diversity of alternatives within the juvenile justice system" after "correctional facilities".

(9) Section 223(a)(10)(A) of the Act is amended by inserting after "health services" the following: "twenty-four hour in-take screening, volunteer and crisis home programs, day treatment and home probation".

(10) Section 223(a)(10(D) of the Act is amended to read as follows:

> *"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;".*

(11) Section 223(a)(10)(G) of the Act is amended by inserting "traditional youth" immediately after "reached by".

(12) Section 223(a)(10)(H) of the Act is amended

by striking out "that may include but are not limited to programs designed to" and inserting in lieu thereof "are designed to".

(13) Section 223(a)(10) of the Act is further amended by adding at the end thereof the following new subparagraph:

"(I) activities which establish standards for juvenile justice, based on the recommendations of the Advisory Committee on Standards;".

(14) Section 223(a)(12) of the Act is amended to read as follows:

"(12) provide within three years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or such nonoffenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities;".

(15) Section 223(a)(13) of the Act is amended by inserting "and youths within the purview of section 223(a)(12)" immediately after "delinquent".

(16) Section 223(a)(15) of the Act is amended by striking out "all".

(17) Section 223(a)(19) of the Act is amended by striking out "to the extent possible".

(18) Section 223(b) of the Act is amended by striking

out "consultation with" and inserting in lieu thereof "receiving and considering the advice and recommendations of".

(19) Section 223(c) of the Act is amended by inserting at the end thereof the following new sentence: "Failure to achieve compliance with the subsection (a)(12) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.".

(20) Section 223(d) of the Act is amended by inserting "chooses not to submit a plan" after "fails to submit a plan,".

(21) Section 223 of the Act is further amended by striking out subsection (e).

(d)(1) Section 224(a)(3) of the Act is amended by inserting after "system" the following: "including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents".

(2) Section 224(a)(4) of the Act is amended by strik-

ing all after "for delinquents" and inserting in lieu thereof "and other youth to help prevent delinquency".

(3) Section 224(a)(5) of the Act is amended by striking out "on standards for juvenile justice" and by striking out "and" at the end thereof.

(4) Section 224(a)(6) of the Act is amended by inserting after "develop and implement" the following ", in coordination with the United States Office of Education,", and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and".

(5) Section 224(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

"(8) development, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

"(9) improve the juvenile justice system to conform to standards of due process; and

"(10) develop and implement programs relating to juvenile delinquency and learing disabilities.".

(6) Section 224(b) of the Act is amended to read as follows:

"(b) Not more than 20 per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.".

(e)(1) Section 225(c)(4) of the Act is amended by striking all after "to delinquents" and inserting in lieu thereof "and other youth to help prevent delinquency.".

(2) Section 225(c)(6) of the Act is amended by striking out "on standards for juvenile justice".

(f)(1) Section 227(a) of the Act is amended by striking out "State, public or private agency, institution, or individual (whether directly or through a State or local agency)" and inserting in lieu thereof "public or private agency, organization, institution, or individual (whether directly or through a State planning agency)".

(2) Section 227(b) of the Act is amended by striking out "institution, or individual under this part (whether directly or through a State agency or local agency)" and inserting in lieu thereof "organization, institution, or individual under this title (whether directly or through a State planning agency)".

(g)(1) Section 228(b) of the Act is amended by striking out "under this part" and inserting in lieu thereof "by the Law Enforcement Assistance Administration".

(2) Section 228(c) of the Act is amended by striking out "part" and inserting in lieu thereof "title".

(3) Section 228 of the Act is amended by adding at the end thereof the following new subsections:

"(e) Financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity, except that moneys received under this title shall not be used for planning and administrative services.

"(f) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(g) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application

of the provisions of section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available for reallocation under section 224 of this title.".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 4. (a)(1) Section 241 of the Act is amended by striking out subsection (e), and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) Section 241(f) of the Act, as so redesignated by paragraph 1, is amended by inserting "make grants and" after "(4)".

(3) The subsection designated as subsection (b) immediately following section 241(f) of the Act, as so redesignated by paragraph (1), is redesignated as subsection (g).

(4) Section 241(g) of the Act, as so redesignated by paragraph (1), is amended by striking out "subsection (g)(1)" and inserting in lieu thereof "subsection (f)(1)".

(b) Section 243(5) of the Act is amended by inserting before the semicolon at the end thereof the following: ", such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in a State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are

treated differently on the basis of sex and the ramifications of such practices".

(c) Section 245 of the Act is amended to read as follows:

"SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute.".

(d)(1) Section 247(a) of the Act is amended by striking out "on standards for juvenile justice established in section 208(e)".

(2) Section 247(d) of the Act is amended by inserting after subsection (c) the following new subsection:

"(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts towards refinement of the recommended standards and shall assist State and local governments and private agencies and organizations in the adoption of appropriate standards at the State and local levels.".

(e) Title II of the Act is further amended by striking out section 248.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The heading for part D of title II of the Act is amended to read as follows:

"PART D—ADMINISTRATIVE PROVISIONS".

(b) Section 261(a) of the Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $125,000,000 for the fiscal year ending September 30, 1978, and such sums as are necessary for each of the fiscal years ending September 30, 1979, and September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended."

(c) Section 262 of the Act is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"Sec. 262. The Administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(d)(1) Section 263(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)".

(2) Section 263 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by adding at the end thereof the following new subsection:

"(c) The amendments made by the Juvenile Justice and Delinquency Prevention Amendments of 1977 shall take effect on and after October 1, 1977.".

RUNAWAY YOUTH

SEC. 6. (a)(1) Section 311 of the Act is amended—

(A) by inserting in the first sentence "and short-term training" after "technical assistance" and by inserting "and coordinated networks of such agencies" after "agencies"; and

(B) by inserting "or otherwise homeless youth" immediately after "runaway youth" where it first appears and by deleting "runaway youth" in the third and fourth sentences and inserting in lieu thereof "such youth".

(2) Section 312(b)(5) of the Act is amended by striking out "aftercase" and inserting in lieu thereof "aftercare".

(3) Section 312(b)(6) of the Act is amended by striking out "parental consent" and inserting in lieu thereof "the consent of the individual youth and parent or legal guardian".

(4) Section 313 of the Act is amended—

(A) by striking out "State,", and

(B) by striking out "$75,000" and "$100,000"

and inserting in lieu thereof "$100,000" and "$150,000", respectively.

(b) Part B of title III of the Act is amended by redesignating the title of part B as "RECORDS" and striking out sections 321 and 322 and inserting in lieu thereof the following:

"RECORDS

"SEC. 321. Record containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.".

(c) Title III of the Act is further amended by redesignating part C as part D, by redesignating section 331 as section 341, and by inserting after part B the following new part:

"PART C—REORGANIZATION

"SEC. 331. (a) After January 1, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of Congress, in accordance with the provisions of and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

"(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

"(1) for establishing within ACTION an Office of Youth Assistance, which shall be the principal agency, and the Director of ACTION shall be the principal officer, for carrying out title III of this Act;

"(2) that the transfer authorized by paragraph (1) shall be effective thirty days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

"(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to title III of this Act, shall be transferred to the Office of Youth Assistance within ACTION, and that all grants, applications for grants, contracts and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

"(4) that all official actions taken by the Secretary of the Department of Health, Education, and Welfare, his designee, or any other person under the authority

of title III of this Act which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of title III of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director of ACTION as appropriate; and

"(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within ACTION, as appropriate.".

(d) Section 341 of the Act (as redesignated by subsection (c) of this section) is amended—

(1) by striking out, in subsection (a), everything after "appropriated" and inserting in lieu thereof the following: "for the fiscal year ending September 30, 1978, $25,000,000, and for the fiscal years ending September 30, 1979, and September 30, 1980, such sums as may be necessary.".

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with

the Attorney General (through the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.".

AMENDMENT TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 7. Section 203(a)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentence: "The chairman and at least two additional members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this subsection.".

AMENDMENT TO TITLE 5

SEC. 8. Section 5108(c)(10) of title 5, United States Code, first occurrence, is amended by striking out "twenty-five" and inserting in lieu thereof "twenty-six".

Mr. ANDREWS. The subcommittee has received, or will shortly receive, written statements of those individuals appearing today. In order to allocate as much time as possible for questions from the members of the subcommittee, and from the staff, I request that those individuals appearing limit their testimony to a brief summary of their written statement. It is expected that 5 or 10 minutes will be adequate for that purpose. Everyone, including myself, will greatly appreciate your brevity.

The first witness this morning is Mr. James M. H. Gregg, Assistant Administrator, Law Enforcement Assistance Administration, Department of Justice, accompanied by, I believe—is this correct—Mr. Thomas J. Madden, General Counsel, LEAA, and Frederick Nader, Deputy Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, also LEAA.

If you will, Mr. Gregg, in whatever order you choose, proceed.

STATEMENT OF JAMES M. H. GREGG, ASSISTANT ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE, ACCOMPANIED BY: THOMAS J. MADDEN, GENERAL COUNSEL, LEAA; AND FREDERICK NADER, DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, LEAA

Mr. GREGG. Thank you, Mr. Chairman.

We appreciate the opportunity to testify in support of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

With me, as you indicated, are Mr. Thomas Madden, LEAA General Counsel, and Mr. Fred Nader, Deputy Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention.

I do have a rather lengthy prepared statement. I appreciate the opportunity to submit the statement for the record and highlight certain significant points.

LEAA has now had 2½ years of experience in administering this legislation. On the basis of that experience we are convinced of the fundamental soundness of the purposes of the 1974 act. We also believe that the design of the 1974 legislation has facilitated implementation of the program and contributed to the substantial progress made in achieving many of the objectives of the act.

While there have been some difficulties in implementation, these have been normal and rather routine problems as are encountered in the early stages of any significant new Federal program.

In short, Mr. Chairman, we are convinced that the program created by the 1974 act is sound. Hence, the amendments we are supporting are relatively modest and few in number. However, there are two amendments of considerable significance.

The first, of course, is the reauthorization provision which would extend the act another 3 years, through fiscal year 1980, $75 million would be authorized for fiscal year 1978 and such sums as may be necessary for the 2 succeeding fiscal years.

This reauthorization will permit continuation of the considerable progress already made under the 1974 act. It will reassure State and local governments concerning the Federal Government's long-term commitment to the objectives of the act.

The second significant change concerns provisions of the act dealing with deinstitutionalization of status offenders. The 1974 act requires that status offenders be deinstitutionalized within 2 years of a State's participation in the formula grant program.

Some States, despite strong efforts on their part, will not be able to meet this 2-year deadline. Therefore, under our legislation, the Administrator of LEAA would be granted authority to continue funding for those States which have achieved substantial compliance with the deinstitutionalization requirement within the 2-year limitation and which have evidenced unequivocal commitments to achieving full compliance within a reasonable time. This will enable States which are making good progress toward the objectives of the act to continue in and benefit from participation in the formula grant program.

Mr. Chairman, there are nine other amendments proposed in the legislation. The details regarding these other changes in the act are included in statement that I have submitted for the record. Therefore, Mr. Chairman, Mr. Nader and Mr. Madden and I will now be pleased to respond to any questions that you may have.

[The written statement of James Gregg follows:]

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

STATEMENT

OF

JAMES M. H. GREGG
ASSISTANT ADMINISTRATOR
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

CONCERNING

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION
AMENDMENTS OF 1977

April 22, 1977

Mr. Chairman, I am pleased to appear today before this Committee to urge your favorable consideration of legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974. I am joined by Mr. Thomas J. Madden, General Counsel of the Law Enforcement Assistance Administration, and Mr. Frederick P. Nader, Deputy Assistant Administrator for the Office of Juvenile Justice and Delinquency Prevention.

As you know, the current Act is scheduled to expire at the end of the fiscal year. A proposal to extend the legislation was transmitted to Congress by the Attorney General on April 1, 1977.

In 1974, the Congress determined that the Law Enforcement Assistance Administration was the appropriate division of the Federal Government to administer an innovative new juvenile justice and delinquency prevention program and to coordinate the activities of all agencies which impacted on the serious youth crime problem. We have taken that mandate quite seriously and, with the help of a qualified and dedicated staff, have worked hard to assure effective implementation of the program. We look forward to continuing our efforts, and appreciate the concern of the Committee regarding this program.

In my statement today, I would like to discuss the progress made by LEAA in implementing the Act and then briefly address our proposal to reauthorize this important program.

Juvenile delinquency continues to be one of the most difficult problems facing the Nation. Many factors contribute to a child's becoming delinquent. Emotional, physical, and behavioral problems play a part, as do the frustrations a child meets in a disadvantaged environment. Once a youth is labeled delinquent, this label may itself stimulate further misconduct.

While the role of the Federal Government in solving these problems is appropriately a limited one, there is much that can be accomplished through a program which promotes coordination and cooperation at the federal, state, and local levels, permits innovation by both governmental and private agencies with the help of federal leadership, and provides for careful study of some of the problems we face. The Juvenile Justice and Delinquency Prevention Act of 1974 has given us the framework for such an effort.

LEAA, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), is attempting to build an effective program within the framework provided by the Act, utilizing resources available under both the Juvenile Justice Act and the Crime Control Act. I believe we have shown that the program can have a significant impact on certain aspects of delinquency and youths at risk of becoming delinquent.

The functions of OJJDP are divided among four divisions assigned major responsibility for implementing and overseeing the activities under the Juvenile Justice Act. Functional areas are State Formula Grant Programs and Technical Assistance, Special Emphasis Prevention and Treatment Programs, the National Institute for Juvenile Justice and Delinquency Prevention, and Concentration of Federal Effort. While these functions are closely interrelated, I will, for the convenience of the committee, organize my remarks according to these functional areas.

State Formula Grant Program and Technical Assistance

An aspect of the program established by the Act most crucial to its success is that providing formula grants to support state and local projects. Each participating state is entitled to an annual allocation of funds according to its relative population of people under age eighteen. Funds are awarded upon approval of a plan submitted by each state which meets the statutory requirements of the legislation.

To date, 77 million dollars have been awarded for the formula grant program. In fiscal year 1975, the first year of the program, 9.25 million dollars were made available and for fiscal year 1976, 24.5 million dollars were made available. The amount awarded rose to 43.3 million dollars in fiscal 1977.

LEAA is concerned, however, that these funds have not been expended as quickly as we would have preferred. Of the 33.8 million dollars made available for fiscal years 1975 and 1976, only two million dollars, or six percent, had been expended as of December 31, 1976. Furthermore, only 27 percent of the total formula grant funds for these two years had been subgranted for specific state or local projects.

The reasons for this delay are varied. The Act requires the creation of new planning mechanisms and advisory groups in each participating state. Many states have encountered difficulties in establishing these required structures. Also, the Act includes strict requirements that necessitate legislative action or significant executive involvement in some jurisdictions.

While there are indications that funds are being expended at an increasing rate, the Administration's proposed legislation seeks to correct some of the problems which have delayed the use of funds, as my further testimony will point out.

As required by the Act, at least two-thirds of each state's formula grant funds are expended through local programs. Not less than 75 percent of the available funds are used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to juvenile detention and correction facilities.

Sections 223(a)(12), (13), and (14) of the Act are central to its operation. These deal with deinstitutionalization of status offenders, separation of juvenile and adult offenders, and monitoring of facilities. Ten states are currently not participating in the program. The primary reason mentioned by these states is concern regarding compliance with the Act's two-year time frame for deinstitutionalizing status offenders pursuant to 223(a)(12), and the absolute prohibition of regular contact between adult and juvenile offenders of 223(a)(13).

LEAA has also experienced some problems in assuring that the states meet the monitoring requirements of 223(a)(14). The initial monitoring reports were required to be submitted by participating states on December 31, 1976. Frankly, we were disappointed with the content of the majority of the reports received. Most states did not present adequate hard data to fully indicate the extent of their progress with the deinstitutionalization and separation requirements. In addition, few provided base-line data that would be needed to demonstrate "substantial compliance" with deinstitutionalization after two years.

As I will subsequently discuss, the reauthorization bill which we have proposed will ease the deinstitutionalization requirement. This amendment, together with our commitment to continue the program, will probably result in some states reconsidering their decision not to participate because of the stringent deinstitutionalization requirement.

Regarding monitoring requirements, the states are being notified that LEAA expects fiscal year 1978 plans to indicate how accurate and complete data on deinstitutionalization and separation will be provided in the report due on December 31, 1977. This is crucial because under the self-reporting system, these data will be used to determine whether states which first participated in the program in 1975 will continue to be eligible for funding under the formula grant program. In addition, LEAA is making technical assistance available to assist those states that are having problems providing the monitoring information currently required by LEAA guidelines.

Both state and local efforts and national initiatives are aided with technical assistance provided by OJJDP. Help is given in the planning, implementation, and evaluation of projects. Technical assistance is also used to help participating jurisdictions assess their needs and available resources and then developing and implementing a plan for meeting those needs.

Technical assistance funds have been used to support our special emphasis initiatives in the areas of deinstitutionalization, diversion, and delinquency prevention. Awards were made to contractors with expertise in delinquent behavior and knowledge of innovative programs and techniques in the program area. Technical assistance also supports state planning agency activities to meet requirements of the Act.

A technical assistance plan has been prepared to support OJJDP functions. The program includes quarterly workshops for regional and central office staff. This approach assures a proactive rather than reactive technical assistance stance by OJJDP, since all personnel are kept informed of developments in implementing the program, and the techniques which may be of assistance in improving the program.

Special Emphasis Prevention and Treatment Programs

An important element of the OJJDP effort is the discretionary fund which is to be used by LEAA for special emphasis prevention and treatment programs. Funds are used for implementing and testing programs in five generic areas: Prevention of juvenile delinquency; diversion of juveniles from traditional juvenile justice system processing; development and maintenance of community-based alternatives to traditional forms of institutionaliation; reduction and control of juvenile crime and delinquency; and, improvement of the juvenile justice system. In each area, program approaches are to be used which will strengthen the capacity of public and private youth service agencies to provide services to youths.

Parameters for development of Special Emphasis Program initiatives are as follows:

--Each program initiative will focus on a specific category of juveniles;

--A specific program strategy will direct this focus for achievement of concrete purposes within a specified time frame;

--Sizeable grants will be awarded for two or three-year funding, based upon satisfactory achievement of specific goals at the end of each year;

--Program specifications will require applicant conceptualization of approaches and delineation of problems to be addressed;

--Projects will be selected in accordance with pre-defined criteria based upon the degree to which applicants reflect the ability and intent to meet program and performance standards;

--Applicants may be private non-profit organizations or units of state or local government;

--Program descriptions and performance standards will identify those elements essential to successful achievement of program objectives and operate as a screening device;

--The development of the objectives and goals of each program initiative is based on an assessment of existing data and previous research and evaluation studies; each program is designed so that we can learn from it and add to our knowledge of programming in that area;

--Selections are made through review and rating of preliminary applications. This results in selection for full application development of those proposals considered to most clearly reflect elements essential to achievement of program objectives.

Using this approach, four special emphasis initiatives have already been announced. The first major initiative was announced in March 1975 and involved programs for the deinstitutionalization of status offenders. Over 460 applications were received for programs to provide community-based services to status offenders over two years. By December 1975, grants totalling nearly twelve million dollars were awarded.

Of the thirteen projects funded, eleven were action programs to remove status offenders from jails, detention centers, and correctional institutions over two years. Nearly 24,000 juveniles will be affected in five state and six county programs through grants which range up to 1.5 million dollars. Of the total funds awarded, nearly 8.5 million dollars, or 71 percent of the total, will be available for contracts and purchase of services from private nonprofit youth serving agencies and organizations.

A second special emphasis program was developed to divert juveniles from the criminal justice system through better coordination of existing youth services and use of community-based programs. This program is for those juveniles who would normally be adjudicated delinquent and who are at greatest risk of further juvenile justice system penetration. Eleven grants, totalling over 8.5 million dollars, have been awarded for two-year programs. As a result of planning and coordination with the Department of Housing and Urban Development, local housing authorities in HUD's Target Project Program have been encouraged to participate in the diversion program. OJJDP gave special consideration in project selection to those programs which reflected a mix of federal resources in achievement of mutual goals.

Several months ago, 3.2 million dollars was transferred to the U.S. Office of Education through an interagency agreement to fund programs designed to reduce crime and violence in public schools. The Teacher Corps received two million dollars for ten demonstration programs in low income areas directed specifically at use of teacher skills to help students plan and implement workable programs to improve the school environment and reduce crime. The Office of Drug Abuse Prevention received funds to train and provide technical assistance to sixty-six teams of seven individuals to initiate local programs to reduce and control violence in public schools. The drug education training model and training centers will be utilized. OJJDP also expects to award a $600,000 grant later this year for a School Crime Resource Center.

An announcement and guideline has been issued for a program to prevent delinquency through strengthening the capacity of private nonprofit agencies to serve youth who are at risk of becoming delinquent. Over 300 applications have been received. The Office expects to award 14-18 grants totalling 7.5 million dollars for this program. Grantees will be national youth-serving agencies, local combinations of public and private youth-serving agencies, and regional organizations serving smaller and rural communities.

Examples of other special emphasis initiatives include awards to the State of Pennsylvania to remove juveniles from Camp Hill, an adult prison facility; female offender programs in Massachusetts; arbitration and mediation programs involving juveniles offenders in the District of Columbia; and projects in support of the American Public Welfare Association's efforts to coordinate local youth programs.

OJJDP has planned four additional special emphasis program initiatives for fiscal year 1977, as follows:

--The Serious Offender Program will be designed to rehabilitate the serious or chronic juvenile offender. It is expected that projects will help develop links between organizations in the offenders' communities. A national evaluation will examine the overall effectiveness of the program, as well as each alternative treatment strategy.

--The major purpose of the Youth Gangs Program will be to develop and test effective means by which gang-related delinquency can be reduced through development of constructive alternatives to delinquency closely coordinated with application of authority.

--The Neighborhood Prevention Program will focus on improving the planning of programs at the neighborhood level and development of new action programs which can impact on the youth of particular neighborhoods.

--The Restitution Initiative will develop and test means of providing for restitution by juvenile offenders to the victims of their offenses. The program will examine the rehabilitative aspects of restitution, as well as the impact on victims receiving this redress.

Tentative plans for fiscal year 1978 call for demonstration programs in the areas of Youth Advocacy, Alternative Education, Probation, Standards Implementation, and Alternatives to Incarceration.

National Institute for Juvenile Justice and Delinquency Prevention

The program areas which I just mentioned are not only included because of the special emphasis given them in the Juvenile Justice Act, but also because they have been identified as needed programmatic thrusts in research sponsored or reviewed by the National Institute for Juvenile Justice and Delinquency Prevention. Prior to announcement of any special emphasis program, the Institute provides an assessment of the state-of-the-art in the topic area and develops a concise background paper for use in the program announcement.

The four major functions of the Institute are information collection and dissemination, research and evaluation, development and review of standards, and training. As an information center, the Institute collects, synthesizes, publishes, and disseminates data and knowledge concerning all aspects of delinquency. Three topical Assessment Centers deal with Delinquent Behavior and Its Prevention, the Juvenile Justice System, and Alternatives to Juvenile Justice System Processing. Each center gathers data, studies, and information on its topic area. A fourth Coordinating Center integrates all of this information and will produce an annual volume entitled Youth Crime and Delinquency in America.

The Institute has a long-range goal of developing a comprehensive, automated information system that will gather data on the flow of juvenile offenders throughout the juvenile justice systems of selected jurisdictions. A reporting system regarding juvenile court handling of offenders has already been sponsored.

A broad range of research and evaluation studies are being sponsored by the Institute. These studies will add to the base of knowledge about the nature of delinquency and success in preventing, treating, and controlling it. In the area of prevention, projects will be encouraged which increase our understanding of social factors that promote conforming behavior and legitimate identities among youths and permit evaluation of innovative approaches to inducing such behavior.

The Institute sometimes funds unsolicited research projects that address areas not included in the established research program. Unsolicited concept papers are reviewed twice each year. Other funds are set aside for unique research opportunities that cannot be created through solicitations. These might consist of opportunities to conduct research in natural field settings such as those that would result from legislative changes, or to add a juvenile delinquency research component to a larger project funded by another source.

The Institute is participating in LEAA's Visiting Fellowship Program. Under this program, up to three Fellows conduct research on juvenile delinquency issues while in residence at the Institute.

In recent years, increasing attention has been paid to the possibility of a relationship between learning disabilities and juvenile delinquency. Current theory and knowledge were investigated and a report completed under an Institute grant. While a relationship seems to exist between learning difficulty and juvenile delinquency, there remains an absence of experimental evidence. Research has been funded to further investigate this area.

Another Institute-sponsored study seeks to determine the relationship between juvenile and adult offenses. The thirteen-month study will conduct extensive analyses of data collected on 975 males born in 1945 in Philadelphia. A further study has been undertaken to examine a birth cohort study of 14,000 males and 4,500 females born during 1958 to determine the nature and patterns of delinquency among those examined.

The Institute's efforts in the area of evaluation have concentrated on maximizing what may be learned from the action programs funded by OJJDP, on bolstering the ability of the states to evaluate their own juvenile programs and to capitalize on what they learn, and on taking advantage of unique program experiments undertaken at the state and local levels that warrant a nationally sponsored evaluation.

The Juvenile Justice Act authorizes the Institute to evaluate all programs assisted under the Act. Efforts focus largely on evaluating major action initiatives funded by OJJDP. To implement the approach of OJJDP that program development and evaluation planning must be conducted concurrently, the Institute undertakes three related activities for each action program area: developmental work; evaluation planning; and implementation of the evaluation plan.

Institute staff are currently reviewing the recommendations of the Advisory Committee on Standards, a Subcommittee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. A paper will be prepared describing possible action programs which could be undertaken by the Office to implement the standards. Development of an implementation strategy will provide direction for OJJDP activities in coming years.

The Institute has broad authority to conduct training programs. Training is viewed as a major link in the process of disseminating current information developed from research, evaluation, and assessment activities. It is also an important resource for insuring the success of the OJJDP program initiatives.

Two main types of training programs are being utilized. National training institutes held on a regional basis acquaint key policy and decision-makers with recent results and future trends in the field of delinquency prevention and control. Training institutes are also held to assist local teams of interested officials concentrate youth service efforts and expand program capacities in their communities. Workshops and seminars are held on a variety of juvenile justice and delinquency prevention issues, techniques, and methods.

The Project READ training program was designed to improve literacy among the Nation's incarcerated juveniles. Over 4,000 youths were tested on reading ability, mental age, and self-concept. During the brief period of four months, the average juvenile tested gained one year in reading ability, seven months in mental age, five points in self-concept, and had a better appreciation of the reading process. This project is now in its second year.

Continuing funding is being provided to the National College of Juvenile Court Judges to provide training for 1,150 juvenile court judges and related personnel such as probation officers and district attorneys.

Concentration of Federal Efforts

Under the terms of the Juvenile Justice Act, LEAA is assigned responsibility for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs. Two organizations were established by the Act to assist in this coordination. The Coordinating Council on Juvenile Justice and Delinquency Prevention is composed of the heads of Federal agencies most directly involved in youth-related program activities and is chaired by the Attorney General. The National Advisory Committee for Juvenile Justice and Delinquency Prevention is composed of persons who, by virtue of their training and experience, have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. One-third of the 21 Presidentially-appointed members must be under age 26 at the time of their appointment.

The Coordinating Council has met eight times. Early meetings focused on general goals and priorities for Federal programs. Later meetings concentrated on policy options and the development of a Federal agenda for research into juvenile delinquency issues. The most recent meeting was held jointly with the National Advisory Committee.

The *First Comprehensive Plan for Federal Juvenile Delinquency Programs*, developed by the Coordinating Council, provided the foundation for future programming and addressed the roles of each agency in the overall strategy. The plan provides policy direction and a description of preliminary steps necessary before large scale program and fiscal coordination is attempted.

In February 1977, the Second Analysis and Evaluation of Federal Juvenile Delinquency Programs was submitted to the President and Congress. This report contains a detailed statement of criteria developed for identifying and classifying Federal juvenile delinquency programs.

Integrated funding and programmatic approaches have been initiated among Federal agencies in selected projects. In one example, the Department of Housing and Urban Development cooperated with OJJDP's diversion program by providing funding to locales chosen as sites for diversion projects. The Department of Labor worked with OJJDP to establish priorities for CETA funds utilized for youth involved in OJJDP discretionary grant programs. An additional cooperative effort I previously mentioned is the transfer of OJJDP funds to the Office of Education to initiate programs to combat school violence.

The National Advisory Committee has also met eight times. It has focused primarily on the orientation of members to their roles, their relationship to OJJDP and other juvenile programs, and the development of a workplan. Three subcommittees have been established: the Advisory Committee for the National Institute, the Advisory Committee on Standards for the Administration of Juvenile Justice, and the Advisory Commitee for the Concentration of Federal effort. The Standards Committee has submitted two reports on its activities and findings to the President and Congress.

Upon recommendation of the National Advisory Commitee and in cooperation with the Coordinating Council, OJJDP contracted with a private consulting firm to develop a major project to facilitate the coordination and mobilization of Federal resources for juvenile delinquency programming in three jurisdictions. The Coordinating Council and the National Advisory Committee participated in selecting demonstration sites and both organizations are currently monitoring program progress.

The Juvenile Justice and Delinquency Prevention Amendments of 1977

I would like to turn now, Mr. Chairman, to the legislation proposed by the Administration to reauthorize the 1974 Act.

The Juvenile Justice and Delinquency Prevention Amendments would extend the authority of LEAA to administer the program for an additional three years. Several amendments are included which are designed to strengthen the coordination of Federal efforts. The Coordinating Council would be authorized to assist in the preparation of LEAA annual reports on the analysis, evaluation, and planning of Federal juvenile delinquency programs. LEAA runaway programs would be coordinated with the Department of Health, Education, and Welfare's programs under the Runaway Youth Act.

To insure that each state planning agency receives the benefit of the input of the Advisory Groups established pursuant to the Act, our bill would also amend Title I of the Crime Control Act. The chairman and at least two other members of each state's Advisory Group would have to be appointed to the state planning agency supervisory board.

The Administration's proposal would make significant changes in the formula grant program. The 1974 Act, as you know, requires that status offenders be deinstitutionalized within two years of a state's participation in the formula grant program. Our bill would grant the Administrator authority to continue funding to those states which have achieved substantial compliance with this requirement within the two-year statutory period and have evidenced an unequivocal commitment to achieving the objective within a reasonable time.

The use of in-kind match would be prohibited by the Administration bill. However, assistance to private nonprofit organizations would be authorized at up to 100 percent of the approved costs of any program or activity receiving support. In addition, the Administrator would be authorized to waive the cash match requirement, in whole or in part, for public agencies if a good faith effort has been made to obtain cash match and such funds were not available. No change would be made to the provision requiring that programs receiving satisfactory annual evaluations continue to receive funds.

Special emphasis school programs would be required to be coordinated with the U.S. Office of Education under the proposal. A new category of youth advocacy programs would be added to the listing of special emphasis programs in order to focus upon this means of bringing improvements to the juvenile justice system.

The bill would authorize the Administrator to permit up to 100 percent of a state's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. This would increase the flexibility of the Act and permit maximum use of these funds in states which have been restricted in fully utilizing available Federal fund sources. The Administrator would also be authorized to waive match for Indian tribes and other aboriginal groups where match funds are not available and could waive state liability where a state did not have jurisdiction to enforce grant agreements with Indian tribes. This parallels provisions new included in the Crime Control Act for other LEAA programs.

The Administration proposal would authorize appropriation of 75 million dollars for programs under the Act in fiscal year 1978, and such sums as may be necessary for each of the two following years. The maintenance-of-effort provision, applicable to juvenile delinquency programs funded under the Crime Control Act, would be retained. The retention of this provision underscores the Administration's commitment to juvenile justice and delinquency prevention programming.

Finally, the proposal would incorporate a number of administrative provisions of the Crime Control Act as applicable to the Juvenile Justice and Delinquency Prevention Act. This would permit LEAA to administer the two Acts in a parallel fashion. Incorporated provisions would include formalized rulemaking authority, hearing and appeal procedures, civil rights compliance, record-keeping requirements, and restrictions on the disclosure of research and statistical information.

Mr. Chairman, that concludes my formal presentation. We would now be pleased to respond to any questions which the committee might have.

Mr. Andrews. Do either of the other gentlemen have a brief statement to make?

Mr. Gregg. No, sir.

Mr. Andrews. On my left, I should have introduced him earlier, is Congressman Corrada of Puerto Rico. I believe, Congressman, I will ask if you have questions of either of the three gentlemen?

Mr. Corrada. Thank you, Mr. Chairman, I certainly do, but before asking them, I would like to commend Mr. Gregg and the other members of his panel for the statement presented to the subcommittee and the interest of the administration in the extension of this act.

Mr. Gregg, do you have any statistics or data on the impact of the current program, whether there has been a reduction in the number of juvenile offenders, repeat offenders in crime, or any other data which would tend to evaluate the actual results of the program?

Mr. Gregg. Yes, sir, we do have some data. It is not as complete or adequate as we would prefer. We are going to have to develop better data and information systems to track the progress and impact of the program.

In my opening statement I mentioned that we had administered the program for 2½ years. I should also point out that, during the first authorized year of the program, funds were not received to effectively carry out the program. The first funds were actually received at the very end of fiscal year 1975 and began to be obligated in fiscal year 1976. Funds are only now beginning to be expended in significant amounts at the program level. The impact should truly be felt over the next several years.

Let me ask Mr. Nader to elaborate on evidence of progress in the evaluation of the program to date.

Mr. Nader. We have very little systematic information available to us on the juvenile justice system. One of the assessments that will be supporting over the next 3 years will have as one of its objectives the development of what essentially will be a youth crime book. Published on an annual basis, it will try to bring together the best information available regarding the scope of juvenile justice system problems and steps that are being taken to remedy them. Lack of this data has been a long-standing problem in the juvenile justice system.

Let me share with the subcommittee additional information about programs we now have operating.

We have awarded substantial amounts of funds for the deinstitutionalization of status offenders, emphasized by the 1974 legislation. Nearly $12 million has been awarded. At the end of 2 years, 23,000 children in several jurisdictions will have been served by these programs.

The cost per child will be approximately $420. Compared to the roughly $9,000 per year cost of placing a child in an institution, it is important to note the cost savings to the taxpayer, as well as the more humane treatment for the child.

We just funded some programs in diversion. One of them is in Puerto Rico. That is going to for a narcotic program. The cost per child for those programs will be under $400. Again, the comparison to traditional programing is certainly very positive.

Mr. CORRADA. Why, Mr. Gregg, do you favor a 3-year extension of the program as opposed to a 5-year extension as proposed by Senator Bayh on the Senate side?

Mr. GREGG. This is in effect, sir, an administration position regarding the period of extension for the act. This is a reasonable period. It gives assurance to State and local governments that, assuming progress in the program, the Federal Government will continue to support their efforts. During the period there will be continued evaluation of the program. At the end of the 3-year period there will be another opportunity to assess the program.

Mr. CORRADA. Now, with respect to the $75 million suggested appropriation for fiscal year 1978, and the fact that we would leave the question open for the 2 subsequent years, on the other hand we have Senator Bayh, again on the Senate side, proposing $150 million for fiscal year 1978 and up to $225 million by fiscal year 1982.

Is it because in the past the actual appropriation has been much lower than the authorized level that you are proposing $75 million? Would you please elaborate and explain why you have not followed the other approach?

Mr. GREGG. Yes, sir, your suggestion is correct. It reflects, the budget level for both this and the next fiscal year as contained in the President's budget proposals to the Congress. The proposed authorization level of $75 million for 1978 is consistent actual appropriation request. For the subsequent 2 years such sums as may be necessary would be authorized to be appropriated. I assume the actual amount could be less or more than the $75 million figure in subsequent years.

Mr. CORRADA. Will the administration, based on the experience obtained so far and that which may be obtained in the near future, be, in your mind, in a position to determine the effectiveness of this program? Which of its features might be expended and which might be perhaps eliminated, if necessary on the basis of your review of the entire situation?

Mr. GREGG. Very definitely. Mr. Nader can elaborate on the relationship between evaluation and the requirements of the act. There is a very strong emphasis on evaluation, particularly with respect to Special Emphasis programs. All of these programs are being intensely evaluated.

I am confident that we will have a lot of knowledge in the not-too-distant future regarding the impact of these programs.

I would restate, however, the earlier statement that data and information with respect to juvenile programs and institutions is quite limited. We have underway efforts to improve information systems concerning these institutions.

Mr. Nader can comment in more detail on the evaluation efforts ongoing in these programs.

Mr. NADER. I am excited about the way we develop our programs, Congressman. Before we send out any notice that applications are being solicited, we involve the evaluators at the very beginning. They help us frame programs in a way that will insure meaningful evaluation. In some instances, programs have been funded and evaluation not planned until 1 year after initiation. Then it is too late because the information needed is not available.

Our programs are different. Before programs are started the evaluation program is put in place and after a brief period of time we are able to collect valuable information.

In the status offender program, from December 1976 to March of this year, we have been able to determine that 6,000 children have been served, 24 percent of those children were 15 years of age. The majority of referrals ranged in the age from 13 to 16, 65 percent of these youngsters were white, 51 percent were female. Most were referred by the police and followed very closely by the schools and by their own parents. 42 percent were classified as ungovernable. In Puerto Rico some 400 youngsters in institutions are classified as ungovernable. Truancy and curfew violations fall a very distant third.

Eighty-six percent of these 6,000 youngsters receive more than one set of services in the community. Only 7 percent were returned through the system again because of an additional status offense. This is after some 4 months. If you are able to hold people together in the community for longer than 3 months, your chances of working with them successfully are greatly enhanced. That is the kind of evaluation and monitoring we are doing. At the end of the program we will be able to tell much more about what works, for whom, and under what set of circumstances. That information will be made widely available and can make a difference for other children.

Mr. CORRADA. I don't have any other questions, but I would like to state that philosophically I am very much in favor of this program and the efforts that we are doing and your administration is doing in terms of juvenile justice and delinquency prevention are most commendable.

However, it would be of paramount importance that as these programs continue we make sure that we are responding to the fundamental objectives of the program and that, as you gather more information data in terms of being able to evaluate the effectiveness of the program, that we might be improving it in the future.

Thank you very much.

Mr. ANDREWS. Thank you, Congressman.

On my right—we don't have any members of the minority with us today, at least not yet, but Mr. LaVor is the minority counsel, and a very fine one.

Mr. LaVor, do you have questions, sir?

Mr. LAVOR. Just one.

Mr. Gregg, I recognize the change you propose in 223(a)12 changing "must" to "may." In your statement on page 5 you indicated that 10 States are presently not participating in the program. Do you have any indication from the States that if this change is put into law that they will move towards participation?

Mr. GREGG. Yes. We have recently done a systematic survey of all the States, both those participating in the formula program and those not participating, to determine problems with respect to the deinstitutionalization provisions and other reasons for nonparticipation. The status offender requirement is very significant, both for those States that are participating and those that are not in terms of the latter's concern about being able to meet the requirements of the act.

Mr. Nader can comment more specifically on that.

Mr. **Nader.** The "must" to "may" change refers to shelter care. We have always worked under the assumption that the statute did not mean that every youngster taken out of an institution had to be placed in a shelter care facility when the home was adequate. That will help.

The modifications sections 223(a)(12) and (13) in the statute will relieve a great deal of anxiety on the part of nonparticipating States regarding possible return of funds to the Federal Government should they not be successful. We try to make it as clear as possible that the requirement is a good faith requirement. What they have to do is develop an adequate State plan. The good faith effort is judged on the basis of that plan.

Some States have honest feelings that they cannot comply. They say that they cannot in good faith take the money or implement the program.

There is a range of issues. We are trying to meet each one. We are trying every way we can because the numbers of kids we are talking about is important. We are trying every way we can to get as many States as possible participating in the program. We will then try to work the problems out as we proceed.

Mr. **LaVor.** Following up on that, since so many of the standards in the law require some action by State legislatures, is technical assistance provided to State legislatures by LEAA and is that an ongoing and expanding process?

Mr. **Nader.** Yes, we have two technical assistance activities going in process. Assistance may be provided to any one who requests it, including State legislatures who are looking for model legislation or cost-benefit analysis.

In addition one of the programs that we funded under the status offender initiative was Legis 50, which used to be called the citizens help program. It helps legislatures make decisions in a more informed way.

In many States, the people at the State level feel that the enactment of this legislation was very helpful. It forced some States to enact their own legislation, legislation that had maybe been pending for 2 or 3 years.

Mr. **LaVor.** Thank you, Mr. Chairman.

Mr. **Andrews.** Mr. Causey, counsel to the subcommittee, has a couple of questions.

Mr. **Causey.** Mr. Gregg, do you have any statistics which would assist the subcommittee in understanding the percentage amount of appropriated money that has actually filtered down to individual programs in the various States?

Mr. **Gregg.** Yes, we do, we have very recent data on that and, if you would like, we can submit that for the record. In my prepared statement there is some data and I would like to amend the statement to give you the most current information on that.

Mr. **Andrews.** When and how do you propose to do that, please?

Mr. **Gregg.** Provide this information?

Mr **Andrews.** Yes.

Mr. **Gregg.** We can leave it with you this morning.

Mr. **Andrews.** Do you have it there so you could answer questions on it?

Mr. **Gregg.** Yes, sir.

Mr. **Andrews.** I don't mean a lot of statistics, I believe his question would call for only a figure answer of whatever percent or amount it is.

Mr. **Gregg.** This is with respect to formula grant programs. I should add again that the fiscal year 1975 appropriations did not in effect become available for obligation until fiscal year 1976. The bill was signed into law about June 29. However, we were only able to begin obligating those funds in fiscal year 1976. $9,297,000 has been awarded from fiscal year 1975 funds; $6 million of that has been subgranted; and $2,471,000 has been expended.

Of the 1976 dollars, there have been awards of $24,647,000, of which $7,183,000 has been subgranted and $444,000 expended.

Mr. **Andrews.** May I ask what does "subgranted" mean?

Mr. **Gregg.** These are formula awards made to States. There is a passthrough provision of two-thirds for local governments. Funds are awarded on the basis of a plan required by the act. The States in turn receive applications for the use of those formula funds from State agencies, State and local governments, or other organizations. The States subgrant the funds that have been awarded to them by the Federal Government.

This is, briefly, the delivery system. We receive the funds, we obligate them to States who have approved plans, and they in turn subgrant the funds to other recipients.

Mr. **Causey.** I want to make sure I understand what you are saying. For fiscal 1976, of $24 million which LEAA had in its Juvenile Justice Office, only $444,000 has actually been expended on programs?

Mr. **Gregg.** That is correct, because the States, as I mentioned, received the fiscal year 1975 funds first. Incidentally, the startup time was great because States were not certain until fairly late in 1975 that there would actually be appropriations for this act. Once they were assured that appropriations would be made, they had to hire staffs, develop plans, and get those plans submitted to LEAA and approved. This moved the process further into fiscal year 1976 before the States were prepared to utilize these funds.

Once they were in position to utilize the funds, they would, of course, tend to use the fiscal year 1975 funds first. This accounts in part for the slow rate of expenditure from the 1976 appropriations.

Mr. **Causey.** Let me ask you this. In the bill, 6111, there is no provision to extend title III of the current act, which is the runaway youth program. Understanding that that program is administered through the Department of HEW, can you respond to why that provision, why that title has not been requested for an extension?

Mr. **Gregg.** No; I am not able to respond to that.

Mr. **Causey.** Is your answer predicated on the reason that is an HEW program?

Mr. **Gregg.** Yes; it is currently a responsibility of HEW.

Mr. Causey. Has LEAA taken a position on the continuation of that program?

Mr. Gregg. Not to my knowledge, no, sir.

Mr. Causey. Mr. Nader, how many individuals are currently employed in the Office of Juvenile Justice?

Mr. Nader. We have 41 permanent approved positions within the Office, with an additional 12 temporary positions. We will lose those at some point when their temporary status expires.

Mr. Causey. Do you anticipate in future operations of this program that the size of the staff would have to increase, decrease or remain the same?

Mr. Nader. It is a tough question to answer. We have a statutory mandate and are meeting it.

Mr. Causey. Are you having trouble now with only 41 people in that office?

Mr. Nader. Yes; we are terribly understaffed. We have a myriad of statutory responsibilities which are very exciting. If they were all combined and totally operational we could make a tremendous difference, in our judgment, across the country. I have one person responsible for training, yet we have a tremendous statutory responsibility for training. That training person we were able to get only because I was able to arrange for one ITA person.

Mr. Causey. That is all, Mr. Chairman.

Mr. Andrews. Going back to one of the questions proposed by Mr. Causey, I understand you can't make a fair judgment quite early in any program in terms of what are the costs of staffing at the top level versus how many of the dollars actually get down to where the kids to be benefited are located. That would not be fair to take the first year as any criteria. But let me ask, what do you contemplate, assuming the program is extended for, be it 3 or 5 years within fiscal year 1977 or 1978, or whatever you would consider a fair judgment, at that point, how much of the money, assuming you got, we will say, $75 million, what portion of that do you contemplate would actually reach programs down where the kids are located? I think that is what we are trying to get to.

Mr. Gregg. Our experience both with the Crime Control and Safe Streets Act and with other Federal assistance programs indicates that there is a fairly normal curve that programs follow in getting expenditures out. In the early days of the Safe Streets Act, for example, we saw a similar pattern that we are seeing here.

At this point under the Crime Control Act we are actually expending more money than we are receiving in appropriations because of a build-up of unexpended funds from previous years. Money now going out actually exceeds the funds appropriated; expenditures have caught up and passed appropriations.

I would expect to see the same pattern emerge here. By next year a substantially greater amount of these funds will be expended relative to the appropriations. In a couple of years, as we overcome certain difficulties in the program such as the problem with the status offenders and the concern of some of the States about the chaotic beginning of this program in terms of appropriations, as States become more confident the Federal Government is going to support this program on a continued basis, we will see greater confidence on their part in building up staff and getting the programs moving at the local level. That will be reflected in the expenditure rates.

Mr. ANDREWS. I guess what I am really trying to do is use a question to make a statement. What I am concerned about is that so many Federal programs seem to occasion relatively mass expenditures for personnel, preparation of plans, or consideration of plans for all and sundry things other than actually getting down to where the money is intended to be of some benefit to somebody other than employees and staff.

With all due respect to such persons, it is not intended to be an employment program, it is intended to get down to where there are children with problems and the money be expended on the programs actually there for the children. I am just concerned that this effort may, as is the case with so many others, become top heavy with the money being drained off at the top level and I don't mean that some draining off of it isn't appropriate, of course it has to be.

You have to have people to administer it. I assume you are doing a good job. I don't mean to imply I have any opinion to the contrary. But I believe I know of one congressional district involving the HUD program where certain discretionary moneys are placed in the hands of the State director whereby he can expend this money in certain communities or a certain community within a certain area for community development benefits.

It was determined that the communities within that area spent more money preparing plans to be submitted whereby they hope to become the recipients of that money than in fact the money that was received. They spent more money applying for the money than anybody got once the money was awarded.

Some of these things just become utterly ridiculous in the matter of the money that is drained off at some level before it gets to where it is of some benefit to somebody. I am anxious that that not happen here.

The question, in my opinion, is still not answered. My concern is that if you expend X dollars in a given period, how much of that money do you contemplate will get down to the kids involved, a half, a third, or what?

Mr. GREGG. Eighty-five percent would be the specific answer. The States are authorized to use up to 15 percent of the formula grant funds for the purposes of planning, analysis, technical assistance, and so forth. So 85 percent will get down to the level of programs.

If I may, Mr. Chairman, I would like to indicate that we very much share your concern about streamlining the method of delivering funds and programs so that there aren't delays because of excess redtape and paperwork. We have been working very hard through technical assistance and through streamlining our own guidelines to try to minimize that.

Some of these programs by their nature do require a certain amount of planning at the program level to make sure that the relationships of juvenile justice and law enforcement agencies are coordinated so as to make the programs viable.

There are some start-up issues with respect to programs like this. If we want the programs to be effective, we have to allow at least some time for communities and agencies to organize themselves in a way that they can be most effective. This sometimes causes delay. In terms of the delay caused by unnecessary planning, applications, and paperwork, however, we are very sensitive to that problem and are doing the best we can to minimize it.

Mr. **Andrews.** I don't mean to be argumentative, but, as I understand it, you say that 15 percent of the funds are utilized by the States, or may be, in connection with administrative cost or preparation of plans, or something, and hence you assume that 85 percent of the funds expended will actually reach down to the children.

Mr. **Gregg.** That is right.

Mr. **Andrews.** I don't see how that could be, that would be 100 percent. That would leave no money to pay the salaries of the people you have to administer the program.

Mr. **Gregg.** That is under a different budget. I am speaking now of the formula grant program.

Mr. **Andrews.** What I am speaking of, I don't care whether formula grant program or what, I just want to know if through whatever authorization made, the total money you receive in a given year for all the programs you administer, what portion of what do you assume will get down to where the kids are?

Mr. **Gregg.** It would be close to 85 percent. We only have a total of 51 positions dedicated to general administration, planning, technical assistance, and evaluation of this program in our Office of Juvenile Justice and Delinquency Prevention and 10 regional offices. I don't have the precise percentage in my head, but I would imagine this is substantially less than the administrative costs for administering assistance programs.

We did some comparative analyses last fall with other similar Federal assistance programs and found that in most cases, they were staffed at 2 and 3 times our level. I can assure you that relative to many other programs these costs are quite low.

Mr. **Andrews.** Mr. Causey.

Mr. **Causey.** Not to belabor the point, but to further clarify this issue, using fiscal 1977 as an example, I think you have probably the most recent figures we can use, how much of the budget that was appropriated to the juvenile justice program for fiscal 1976 was expended on the National Institute for Juvenile Justice, which I understand is a research program under the office?

Mr. **Gregg.** Yes. In 1976 $4 million was allocated for that function. Almost all of that was expended in fiscal year 1976.

Mr. **Causey.** Can you tell me how much money was spent for the Coordinating Council and the National Advisory Committee from the Office of Juvenile Justice?

Mr. **Gregg.** For the concentration of Federal efforts, we expended a total of $500,000 in fiscal year 1976. The Coordinating Council received a modest amount. I don't know that we have the figures on that but we can provide them.

Mr. **Nader.** Let me talk about the concentration of Federal efforts. We have two people working on the concentration of Federal effort. Those two people have responsibility for providing staff services to the Coordinating Council, which is chaired by the Attorney General, and also to the National Advisory Committee, appointed by the President.

That workload entails fulfilling statutory responsibilities as well as developing the Federal plan for juvenile justice and delinquency prevention programs. It is a fair amount of work. The funds allocated support the National Advisory Committee costs when it meets, including the preparation of materials for review and the travel. It covers a whole range of administrative costs that we must provide. In addition, the Coordinating Council decided that it would contract with a private firm to see if they could determine how to deliver Federal funds at the local level on behalf of specific populations of children in a way that was not too complex or cumbersome. We have many Federal programs impacting on the same population of children.

Mr. **Andrews**. I don't want to prolong it further but it seems to me obvious if you have not spent a great deal of money, apparently because of the lags you have spoken of, and so forth, but if you spent $4 million on research and, say, half a million on some council work or what-have-you, that is money that I am talking about that is not getting down to the kids.

So you can't, I don't think, say that 15 percent of the total money is kept for the States and hence about 85 percent reaches the kids. It would not be anywhere near that, in my judgment.

I dare say half of it goes down to the kids, by the time you pay the travel, salaries, retirement and the other things that go in, telephone and everything, up here and then $4 million over here for research, over here for coordinating councils, study groups and so on, it is not getting to the kids. It is not a hundred percent getting to the States and local level for the kids.

Mr. **Gregg**. It could be less than 85 percent and we will give you the precise figures, but these are relatively modest costs for the concentration of the Federal efforts and the Coordinating Council. We should not make the assumption that none of the research money gets to the kids. The nature of some of these research projects are such that we are providing services as we are doing research.

Perhaps Mr. Nader might comment on that.

Mr. **Nader**. When we talk of the Institute we are not talking of just research. The Institute by statute has four responsibilities.

One is training. One program funded under the Institute out of its $4 million budget was called "Project Read." People worked with in 448 correctional institutions across the country to help those people better teach youngsters to read. These are youngsters who are functionally illiterate in correctional institutions. They read at something like the four-and-a-half grade level. The total cost was something like $5 per child. Funds were spent for a program that trained people who then worked with some 6,000 youngsters across the country.

Their average grade-level increase in reading was a year in 3 months. They put some 60,000 paperback books directly in the hands of youngsters who previously had not had any interest in reading, making them more employable, sparking their interest, and making them more favorable for entry back into the community. If you take a look at the impact, it cost about $5 per child.

We trained some 600 judges and court-related personnel through the Institute. We have a statutory mandate to develop standards for juvenile justice programs. We plan for them to become the cornerstone for reform in juvenile justice across the country.

We have the responsibility for information dissemination. There is no place in this country where anybody can go and get accurate information about what works, the nature of the problem, or how to do something. We are setting up four assessment centers that will provide this information as a matter of routine.

The evaluation and research work we do is directly related to the money we put in the field to work with kids. When we make a program announcement we know as much about the topic as we can. We get the information out to the field so those programs are the best that can be implemented given the knowledge of the state of the art. The $4 million is not being wasted. It is a good investment in the long run.

Mr. **Andrews.** The children you teach to read, where are they?

Mr. **Nader.** In correctional institutions across the country.

Mr. **Andrews.** Not in public, private or academic schools?

Mr. **Nader.** No. They have been kicked out of those schools. Those schools have failed those youngsters terribly.

It is interesting to note that the Department of Health, Education, and Welfare gave an award to this particular program that we funded for making an outstanding contribution to the development of literacy in the United States.

Mr. **Andrews.** Are there other questions? Thank you.

Our next witness, is Arabella Martinez. Miss Martinez is the Assistant Secretary, Department of HEW, accompanied by Jeanne Weaver, Acting Commissioner of the Office of Youth Development, HEW.

Mr. **Andrews.** I presume we would like to spend twice as much time as we have allocated, but we have witnesses running to about 4:30, so please be brief.

We will be pleased to hear from you.

STATEMENT OF ARABELLA MARTINEZ, ASSISTANT SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY JEANNE WEAVER, ACTING COMMISSIONER OF THE OFFICE OF YOUTH DEVELOPMENT, HEW

Ms. **Martinez.** Thank you very much.

Mr. Chairman and members of the committee, I am pleased to have this opportunity to come here today to discuss the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, and to advise you that we will be submitting a draft bill to provide a 1-year extension of this legislation. During this extension, we intend to assess our role in relation to youth and their families and to consider future action in this area.

As you know, I have recently come to the Federal Government. Although I have not had direct personal experience with the runaway youth program during its first 3 years, I am familiar with its operation. Therefore, I will present an overview of the activities conducted under its authority and will conclude by identifying some concerns about the act which we are now addressing with HEW.

The Runaway Youth Act was a response of the Congress to a growing concern about a number of young people who were running away from home without parental permission and who, while away from home, were exposed to exploitation and to the other dangers encountered by living alone on the streets. The Federal program helps to address the needs of this vulnerable youth population by assisting in the development of an effective community-based system of temporary care outside the law enforcement structure and the juvenile justice system.

Until recently no reliable statistics were available on the number of youths who run away from home. The National Statistical Survey on Runaway Youth, mandated by part B of the act and conducted during 1975 and 1976, found that approximately 733,000 youths between the ages of 10 and 17 annually run away from home for at least overnight.

Many of these young people are on the streets, surviving without any form of assistance, and are continuously exposed to the vagaries and dangers of contemporary street life. These youths, due to their circumstances of being alone and friendless with little money, are left with few choices for their survival—frequently living in condemned buildings or out in the open, trading their bodies for friendship or food, and violating the law just to meet their basic daily needs.

During the past 3 years, we have found that the youths seeking services are not the stereotyped runaway of the 1960's—the runaways who leave a stable, loving home to seek their fortunes in the city or to fill a summer with youthful adventures. Runaways of the 1970's in contrast, are the homeless youths, the youths in crisis, the pushouts, and the throwaways. These youths have no home; or they have left home to avoid physical, sexual, or emotional abuse; or they have been thrown out of their home by their parents or guardians.

For many of these youths, leaving home is the only viable alternatives. As a rule, they are fleeing from what they believe is an intolerable situation so they may attempt to live in a less painful, disruptive environment.

The severity of the problems facing runaway youths today is clearly indicated by statistics related to why they run away from home. Almost two-thirds of the youths seeking services from the HEW-funded runaway projects cited family problems as the major reason for seeking services. These problems included parental strife, sibling rivalries and conflicts, parental drug abuse, parental physical and sexual abuse, and parental emotional instability. Nearly an additional one-third of the youths were experiencing problems pertaining to school, interpersonal relationships, and legal, drug, alcohol, or other health problems.

In many communities, the HEW-funded projects constitute the only resource youths can turn to during their crisis. During fiscal year 1977, $8 million have been made available to provide continuation funding to the 131 current community-based projects. These projects include the national runaway switchboard, a toll-free hotline serving runaway youths and their families through the provision of the neutral communication channel, as well as a referral resource to local services.

The projects funded by HEW are located in 44 States, Puerto Rico, Guam, and Washington, D.C. It is anticipated that these projects will serve more than 57,000 youths and their families during fiscal year 1977.

Each project is mandated by the act to provide temporary shelter, counseling, and aftercare services, as required, to runaway youths and their families. Counseling services are provided through individual, group, and family sessions. Projects provide temporary shelter either through their own facilities or by establishing agreements with group and private homes. Many of the programs have also expanded their services to provide education programs, medical and legal services, vocational training, and recreational activities either directly or through linkages with other community agencies.

At the termination of the services provided by the project, approximately 49 percent of the youths served return to their primary family home, with an additional 26 percent being placed with relatives or friends, in foster care or other residential homes, or in independent living situations.

We are very concerned within HEW about the severe problems experienced by the young people whom we are serving. It is clear to us that the problems of the population being served by the Runaway Young Act have changed—many times they are indications of dysfunction within the family structure. Running away from home is a response of youth to problems they are encountering within the family setting. Pushing youth out of their home environments or encouraging them to leave is often the response of the parents. A brief period of temporary shelter and counseling cannot adequately address the needs of these youths.

Additionally, it has also become clear to us that family problems are not the only cause of youths running away from home. Running away is a manifestation of problems youths are encountering in contemporary society. Young people are experiencing crises related to school. For these youths, too, a brief period of temporary shelter and counseling cannot adequately assist them in dealing with their problems.

Currently, we are examining the special needs of runaway youths due to factors such as race, ethnicity, age, and sex. We are also looking at the techniques and methods for providing services to prevent the occurrence of runaway behavior. And most importantly, we are exploring the provision of services to youth within a broader national social services strategy which will minimize the fragmentation of services and maximize their impact.

We, therefore, believe that it is essential that we identify more precisely the service needs of youth experiencing crisis and examine the most appropriate vehicles to deliver services to these youths and their families. As part of this effort, we must also carefully examine whether services for runaways and their families should be provided separately from services for youth and families experiencing other problems.

Based on the review of the information generated from our current studies and from an examination of the role of HEW in the provision of services to the broader population of vulnerable young people, we propose to determine what modifications are required to respond to the changing needs of these vulnerable youth. We invite your participation in this process and hope we will be able to work together to develop a sound strategy. For this reason, we are requesting only a 1-year extension of the act.

Thank you.

I will be glad to answer any questions you may have.

Mr. ANDREWS. Thank you very much.

Congressman, do you have questions?

Mr. CORRADA. Thank you, Mr. Chairman.

First, I would like to welcome Ms. Martinez to the hearings. I am one of those who was very, very pleased by President Carter's appointment of a Hispanic to the position of Assistant Secretary of HEW, not only a Hispanic but a human being very much concerned about the problems she will be dealing with in her position.

I would like to ask you why in the draft of the bill presented today to us only a 1-year extension of this legislation is proposed? As you know with respect to the other titles in this legislation, we are considering here in the House a 3-year term and in the Senate some people are talking about the 5-year term with rspect to other provisions of the act.

Why would, in your mind, the Department be proposing just a 1-year extension for the Runaway Youth Act?

Ms. MARTINEZ. The reason we are proposing the 1-year extension is that we feel we need to take a very serious look at the program and see how it can be integrated with the other HEW social services which provide needed services for youth. Right now it is a program all by itself and it does not relate directly to the other social services program.

We want to figure out how we can strengthen our youth services by integrating and coordinating them. It is going to take us some time to do that. As you know, HEW is a big agency.

Mr. CORRADA. Ms. Martinez, in your testimony, you have stated that the National Statistical Survey on runaway youth found that approximately 733,000 youth between the ages of 10 and 17 annually run away from home or for at least overnight.

I would like to know what percent of these are presently being served by HEW with your limited resources, if you have any figures available.

Ms. MARTINEZ. Approximately 4.6 percent are being served by our projects.

Mr. CORRADA. 4.6 percent?

Ms. MARTINEZ. Yes. About half of the runaways run away to friends or run away to extended families, so that the total number of young people on the streets is less than one-half of 133,000.

Mr. CORRADA. This would still seem very low in terms of those that run away because of more serious problems, some of which you refer to in your testimony.

Ms. **Martinez.** There is no doubt we are not serving the needs of children who run away, we are not serving them in terms of numbers that we should be. We are not the only source of service, however, to runaway youth.

Mr. **Andrews.** Congressman, may I interrupt? I need to go to the floor in order to be there at 11 o'clock in order to get permission to continue this session. If you would take over, please, until I get back, I would appreciate it.

Mr. **Corrada.** It is a full Hispanic takeover with me as chairman.

Ms. Martinez, do you believe that the present authorization for the program is sufficient to carry out the lofty goals which the law envisions?

Ms. **Martinez.** In terms of carrying out the lofty goals it certainly is not sufficient. I think, however, we need to evaluate those goals and see what it is practical to do by Government and what it is important for other private resources to do.

All of our resources, the entire $8 million is distributed to the local program. We keep none of it here in Washington, D.C.

Mr. **Corrada.** Would it be one of your priorities, or priorities of the Department to see how services could be improved for runaway youth in the near future?

Ms. **Martinez.** We are keenly concerned about the plight of our young people. There are myriads of programs serving them. All are not just within HEW but throughout the Federal Government. There is great fragmentation among those programs and very little coordination.

Our effort during this next year is to see how we can better address the needs of young people.

In addition, we are really beginning to take a serious look at the role of the family in preventing the kinds of problems which are occurring with children and young people and I think one of the primary functions of the family is to provide the nurturing care of these young people and keep them at home in that fashion and how we strengthen the family I think is a very important consideration in preventing runaway youth.

Mr. **Corrada.** I presume, I don't know, but in terms of the Runaway Youth Act, are there any efforts in addition to providing the immediate services they need while they do not have a home, or their natural home, to look into problems of the family unit from which he came and looking into the causes for frictions, or behavior problems within that family unit?

Ms. **Weaver.** That has been one of our very large concerns with respect to running away. The nature of the programs we fund, however, are basically crisis intervention although the projects usually provide family counseling; simply because of their nature they are unable to continue this over long period of time.

Although the project may refer the youth and his or her family to other community services to provide the family counseling or family intervention about which you speak, the projects provide family counseling services on a more limited basis than I believe you are speaking of.

Mr. **Corrada.** Is there a problem in looking into this type of situation on a fragmented basis in terms of perhaps one agency providing one specific service, mandated by bureaucratic programs, another agency providing another kind of service but without anyone in particular taking it upon themselves integrally to look into the family unit and have coordinated efforts by different agencies that look into the entire problem in a more comprehensive way than on a fragmentary way? What would be your comments with respect to that?

Ms. **Weaver.** In many cases the counselors in the project do provide that service and will refer the young people to the myriad of services in the communities and work with the different service providers to see that the youth is receiving the services and following up on the young person.

I think you are correct, there are many, many services in the community and many times being an advocate for the young person to see that all the services are available and received is a full-time job.

Mr. **Corrada.** Will the Department be looking into this question?

Ms. **Martinez.** We are looking into the whole area of integration and coordination of services. I think one of the real problems I have seen since I have been in the Office of Human Development is that we have programs which are so specifically targeted to one population, number one, and, number two, to a very specific problem of the individual so that you never have programs which deal with the whole person. There are few programs that do, but very few deal with the whole individual. We deal with a specific problem with that person.

The second thing is that generally our programs have not addressed families, even the aid to families with dependent children, the parents are looked at as trustees of the money, not of the children.

I think we have not done much in terms of trying to strengthen families. In fact some of our policies and procedures seem to tear families asunder.

I think the third thing we are deeply concerned about—I think this speaks to some of the concerns of the Chairman of the committee, is that the strengthening and building of community institutions is very important and we have not had the capacity to begin to develop coordinated services at the local level. He is right that there is a lot of planning going on and one wonders what is the result of that planning from all kinds of sources of money, but our efforts will begin to be directed at how do we strengthen the agencies and get better coordination among public and private agencies.

I think a fourth thing which is really critical, that is the whole issue of the communities in which our people live. Much of the stress comes from the kinds of physical and social environment in which youth live and we have to begin to address and begin helping to develop livable communities.

My concern, when I speak about integration and coordination is really, how do we begin to make the delivery system of our country more efficient and more effective, more accountable and more compassionate? That is an issue that cuts across all our programs.

Mr. **Corrada.** Ms. Martinez, one last question. Some groups have suggested the desirability of transferring the jurisdiction of the Runaway Youth Act from HEW to Action. Could we have our thoughts or comments on that?

Ms. **Martinez.** I do not see Action in this kind of role because they are basically a voluntary organization and we have a range of social service programs which serve youth which Action would not have and this is one part of those social service programs. We are, as I said trying to develop a system of coordination but a transfer is not something which I favor. I don't see how they could provide the kind of services we have. They don't have the kind of services and structures we have.

I think you should know that this Runaway money had been deleted from the Ford budget and we really worked very hard to get it back in, I think that shows the commitment of the HEW agency to maintaining youth programs. I personally have a great commitment to these programs and to their integration with our other programs for youth as well as for families.

Mr. **Corrada.** Thank you very much.

Perhaps Mr. LaVor, minority counsel, has questions and then we will hear from Mr. Causey.

Mr. **LaVor.** In answer to a question from Mr. Corrada, you said that none of the $8 million appropriated for this program are kept in Washington. It is my understanding that you have 47 employees in the Office of Youth Development, 37 in Washington, 10 in the regions. Who pays their salaries?

Ms. **Martinez.** There is another line item for salaries and expenses that is separate from program funds. This is the way the budget is broken out. It is broken out by program operation and then there is a line item separate and apart from all the programs, what they call S. & E., salaries and expenses. But that does not come as part of the appropriation for the Runaway Youth Act; it is salaries and expenses for the agency. The total is personnel 43, 10 in the regions and 33 here. Also, of this number, only 10 people are in the Division of the Office of Youth Development which administers the Runaway Act.

Mr. **LaVor.** If LEAA has 41 employees to manage a $75 million budget, what do your employees do with an $8 million budget and why are so many people needed compared with the LEAA program?

Ms. **Martinez.** The majority of their budget is State formula money. We have 131 projects which we fund. They have 50-plus States which they fund. Ours is a different kind of work that needs to be done and that is why we need to have that kind of staffing. There is a tremendous amount of work in terms of developing community-based programs versus just providing money and fiscal relief to States.

Mr. **LaVor.** What do the staff people do then?

Ms. **Martinez.** The Runaway Division and the regional office staff work with developing the proposals to the office and in 3 years they have put together 131 projects. They fund the projects. They monitor and evaluate them. With an additional $1 million we provide through the Social Security Act, OYD has undertaken a great number of research projects which they have developed as well as monitored, and they are beginning to put into operation. In addition, OYD focuses on broader youth issues with HEW and now we can make social services more responsive to the needs of young people. It is the kind of role which I would categorize as grants management, research management and program developmental management.

Mr. LaVor. How would you describe the runaway youth program in HEW? Is it primarily a service program or a research program? How would you describe it?

Ms. Martinez. The entire $8 million goes to services that are appropriated for the runaway youth. We have added an additional million dollars from the Social Security, section 426, to provide for research. Initially, about $500,000 of the $8 million was used to do the National Statistical Survey as called for by part B of the act. It is a service program not a research program.

Mr. LaVor. You are saying of the $8 million none is used for research or evaluation?

Ms. Martinez. Not that I know of. We have provided another million on top of the $8 million appropriation.

Ms. Weaver. I prefer not to give the exact amount. It is a smaller percentage used to provide technical assistance directly to the projects, although that is administered from Washington. It is actually going in and working with the local projects.

Mr. LaVor. If I understand it right, you are saying all of the money, with the exception of this few dollars going for technical assistance, goes to projects which are hands-on projects for children?

Ms. Martinez. That is correct.

Mr. LaVor. Has there been any evaluation of this program done by your office?

Ms. Martinez. We are in the process of completing an evaluation of the runaway youth program.

Mr. LaVor. Completing or starting?

Ms. Martinez. It is starting it.

Ms. Weaver. We will be getting initial interim reports and data back hopefully in the fall. It is just being undertaken.

Mr. LaVor. Thank you, Mr. Chairman.

Mr. Corrada. Mr. Causey.

Mr. Causey. Thank you, Mr. Chairman.

Ms. Martinez, in response to a question from the Chairman, you referred to the commitment of HEW to this program. I think the question can be asked why has HEW only requested a 1-year extension whereas in the bill, H.R. 6111, there is a request for a 3-year extension of juvenile delinquency and in the bill in the Senate a request for 5 years.

Ms. Martinez. The only answer I can give is the one I gave you before. That is, we want time to take a look at the program and this is a request we are making for all our programs, not just the runaway youth program. It was a decision made by the administration to give the new administration time to evaluate, to take a look at the programs as to whether they were really meeting needs or just spending money, to take a look at how we could strengthen them and we just need some time.

Mr. CAUSEY. Is that true only within the Department of HEW?

Ms. MARTINEZ. I really don't know about any other Department, to tell you the truth.

Mr. CAUSEY. With respect to the Juvenile justice program within LEAA, has not the administration cleared a 3-year program?

Ms. MARTINEZ. I don't know what the other departments are doing. I know this is a policy in HEW. I don't know who determines that for some Departments and not for other Departments, but certainly this has been the expression that we have heard by the President and certainly by our Secretary.

Mr. CAUSEY. You referred to the separate line item in the budget for HEW for salaries and expenses. That line item pays for the salaries and expenses of 43 employees and office expenses, is that correct?

Ms. MARTINEZ. Yes.

Mr. CAUSEY. Do you know what the dollar figure is?

Ms. MARTINEZ. I don't know what the breakout is for each individual program unit. I can certainly get the figure. I don't have the figure with me.

Mr. CAUSEY. Can you give me an estimation of the operational cost of your office?

Ms. MARTINEZ. For the entire office?

Mr. CAUSEY. For operation of programs under the Runaway Youth Act.

Ms. MARTINEZ. I simply cannot. I will provide that information in writing.

Mr. CAUSEY. There is no way to estimate that figure?

Ms. MARTINEZ. No; there is no way to estimate it. We have just one line item and I have not seen it broken out by programs.

Mr. CAUSEY. Your response to the question from the Chairman about the suggestion made by some that programs under the Runaway Youth Act perhaps could be more effectively run through different agencies, specifically the ACTION agency, if I understand your response, you felt ACTION was a voluntary program. Of the 43—you have 43 people in Washington, did I understand?

Ms. MARTINEZ. Thirty-three in Washington, 10 in the field.

Mr. CAUSEY. Ms. Weaver, do you have any estimation or any specific figures, if possible, of the number of volunteers working in any of the programs sponsored by HEW with respect to runaway youth?

Ms. WEAVER. I would say the average number of volunteer per program is between 100 and 150. Probably the average number of working volunteers which work on a regular basis would be 20.

Mr. CAUSEY. Is there any way to give me a percentage of the total number of people working in runaway youth programs under your office, what percentage would be volunteer individuals?

Ms. WEAVER. Could you repeat the question?

Mr. CAUSEY. Is the percentage of people working in runaway youth programs in your office 5 percent, 10 percent, 50 percent or a higher percentage?

Ms. Weaver. The average number of staff per project would probably range between 7 and 12. If you are asking for a comparison of the time put into each project by volunteers as opposed to staff time——

Mr. Causey. Maybe I should rephrase my question. What I am interested in finding out is the percentage of individuals who are volunteers in programs, in the 131 programs under your office, with respect to the total number of people in those programs.

Ms. Weaver. There are probably twice as many working volunteers as there are staff.

Mr. Causey. What does the phrase "working volunteer" mean? Paid individuals?

Ms. Weaver. No; volunteers as opposed to being on the list of volunteers, those that actually work in the program, not paid.

Ms. Martinez. Those devoting regular amounts of time rather than those on a list of volunteers that come in maybe on a special occasion. These are people consistently working on a volunteer basis.

Mr. Causey. The number of people paid in those programs would be 33 in Washington and 10 in the field?

Ms. Martinez. Each program unit or each project has its own staff. These are paid by whatever organization we fund, that is between 7 and 12. We have funded 131 projects. The range of staff that is funded by the project itself, not by the Federal Government directly, they are not employees of the Federal Government. They are employees of the project and that is between 7 and 12.

Mr. Causey. Of the $8 million appropriation for fiscal 1977, how much money has been expended in grant programs to date?

Ms. Martinez. For 1977?

Mr. Causey. Yes.

Ms. Weaver. We are just moving into our refunding continuation cycle so probably beginning the 1st of May the money would actually be expended. Our yearly cycle for continuation, or proposals, have been received. They would begin about the beginning of April to the 1st of May.

Mr. Causey. How about for fiscal 1976?

Ms. Weaver. All of the money was expended.

Ms. Martinez. It is such a tiny, little program it is easy to expend all the money.

Mr. Causey. It is my understanding that your office is currently entering into a contract to develop an evaluation instrument for the office; is that correct?

Ms. Weaver. We are entering into a contract to conduct an impact evaluation of the national program based on the sample of the projects.

Mr. Causey. Has that contract been signed?

Ms. Martinez. It has not been signed, it is going out for bid.

Mr. Causey. Do you have any estimation of the cost of that study?

Ms. Weaver. Yes; we do have an estimate of cost, but I believe that that is privileged information until the project is actually let.

Ms. Martinez. In getting bids, we can't say what the price is. The people have to come in with their bids. If we gave that out at this point, there would be no reason to go out to bids. People would just bid on that amount of money.

Mr. **Causey**. Have you had an opportunity to review the amendment proposed in the Senate bill introduced by Senator Bayh, S. 1021, to the Juvenile Act?

Ms. **Weaver**. Yes, we have.

Mr. **Causey**. Do you have any reactions to the amendment proposed in that bill?

Ms. **Weaver**. Again, I think our concern fits in with our overall statement in the testimony. We have concerns about extending the bill for 5 years until we have had an opportunity to look at the needs of the young people we are serving and insure that the programs provided and authorized by the legislation are responsive to their particular concerns. I think that is our primary consideration.

Mr. **Causey**. No further questions, Mr. Chairman.

Mr. **LaVor**. I would like to follow through on Mr. Causey's question. You have a contract being let for an impact evaluation study, do you have some outside guess as to what that study is going to cost? If $8 million was spent on surveys——

Ms. **Weaver**. That is out of the $1 million of research funds from section 426 of the Social Security Act.

Mr. **LaVor**. Even so, it is going to be less than $1 million, the cost of the study, and I assume you have other things funded. Is there a ballpark figure as to what that study would cost?

Ms. **Weaver**. We would like not to give that information publicly. I will make it available to you personally if you would like, but I will not make it public.

Mr. **LaVor**. No further questions.

Mr. **Corrada**. There being no further questions, I would again like to thank Ms. Arabella Martinez, Assistant Secretary of HEW and Ms. Weaver for their appearance and testimony here today, which I hope will prove to be valuable for the deliberations and actions of this subcommittee.

Ms. **Martinez**. Thank you. We would like to leave with the committee our survey and also our annual report. Copies have come up to the Hill already, but we thought we would bring these extra copies along for you.

Mr. **Corrada**. Would you like this to be presented together with your testimony as exhibits?

Ms. **Martinez**. Very much.

Mr. **Corrada**. It will be so considered for the purposes of this hearing.

Now, we have gained about 14 minutes.

The next group of witnesses are scheduled for 11:30, but if they are here, we would like to hear them.

Gordon Smith, director of the North Carolina Department of Natural and Economic Resources, Law and Order Division; Sidney Barthelemy, State Senator, Louisiana, representing the National Conference of State Legislatures; Donald Payne, director of the board of Chosen Freeholders, Essex County, N.J.; Lee Thomas, director, State Planning Agency, South Carolina, representing the

National Conference of State Criminal Justice Planning Agency Directors; and Dr. Albert Reiss, member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, accompanied by Marian Mattingly, member of the National Advisory Committee.

PANEL PRESENTATION: GORDON SMITH, DIRECTOR, NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, LAW AND ORDER DIVISION; DONALD PAYNE, DIRECTOR OF THE BOARD OF CHOSEN FREEHOLDERS, ESSEX COUNTY, N.J.; LEE THOMAS, DIRECTOR, STATE PLANNING AGENCY, SOUTH CAROLINA, REPRESENTING THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING AGENCY DIRECTORS; AND ALBERT REISS, MEMBER, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, ACCOMPANIED BY MARIAN MATTINGLY, MEMBER OF THE NATIONAL ADVISORY COMMITTEE

Mr. Corrada. Are all of these witnesses here that I just mentioned?

Mr. Smith?

Mr. Smith. Yes.

Mr. Corrada. Mr. Barthelemy?

He is not present.

Mr. Payne?

Mr. Payne. Yes.

Mr. Corrada. Mr. Thomas?

Mr. Thomas. Yes.

Mr. Corrada. Dr. Reiss?

Mr. Reiss. Yes.

Mr. Corrada. You are accompanied by Marian Mattingly?

Mr. Reiss. She is not with me.

Mr. Corrada. She isn't present. All right.

We have copies of the written statements of the gentlemen who are now appearing as a panel and again I would repeat that, if you could make a summary of the most important aspects of your testimony, this would be sufficient. We will begin, of course, with Mr. Smith.

STATEMENT OF GORDON SMITH, DIRECTOR, NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, LAW AND ORDER DIVISION

Mr. Smith. Thank you for the opportunity to speak with you. I would like to give a brief historical perspective on North Carolina's interest in the program and what it has done to date in the area of juvenile justice and to raise with you four issues we consider to be most important for North Carolina and to answer any questions you may have.

To begin with, in the summer of 1975 North Carolina submitted a plan to LEAA to participate in the act. It received planning funds for $45,000 and a formula grant for $200,000.

The State appointed an advisory board and began to establish a system for monitoring the program which we clearly intended to implement. That fall it submitted a subsequent plan for the next year funding and at that time it received new guidelines which were fully responsive to the congressional act that required more than we had initially anticipated. Specifically LEAA informed us that we would be required to show that the State had evidence that it had authority to cause coordination of human services to youth and their families with the advisory committee.

Second: It required that there be a specific plan for deinstitutionalizing all status offenders from criminal facilities within 2 years; and, third: There were extensive requirements for data collection that were beyond that which the State could do within a 2-year time frame.

So there was extensive debate within the State on how to respond to these requirements. Very clearly the State had the same objectives that are articulated in the act, almost identical to the point that in 1975 the North Carolina General Assembly passed a bill requiring all status offenders to be out of the training schools within 2 years.

Incidentally, that time is about up. It looks as though we will need a 1-year extension on that in order to meet it.

Very clearly the State is interested in instituting the legislation to a maximum degree. Likewise, the State supervisory board for LEAA committed $2.5 million during the same period of LEAA funds to deal with juvenile problems, which I might add is a 50-percent increase above the minimum required by LEAA and Congress. That is one of the top priorities of the Criminal Justice Advisory Committee for the State of North Carolina.

Also, to give you some data to view the situation, the best data we have indicates there were approximately 500 status offenders committed to training schools in the year 1975. Likewise, there were approximately 5,000 status offenders held at one time in local jails and detention facilities across the State.

With this data and trying to deinstitutionalize the State within 2 years, we estimated it would cost approximately $7 million to meet that objective. The first year allocation from Congress through LEAA to North Carolina would be $200,000. The second year it was increased to $600,000. This past year, had we made application, we would have received $1.1 million, which, as you can see, for 3 years of funding would be approximately $2 million at a time when we needed an estimated $21 million for 3 years.

With this kind of information and also thinking about the mechanics of trying to create $7 million of programs within a 2-year period to meet this guideline, we were reluctantly in a position where we felt we could not honestly participate in the program. It is not because we don't have the same objectives of the act. We have almost identically the same objectives. However, the guidelines were so stringent in requiring 100 percent deinstitutionalization as the No. 1 requirement of the act, that we could not claim in good faith we could meet the guidelines.

I know a number of other States may have similar problems and situations that we have, yet they have elected to participate in the program. What that will mean in the future, I don't know. I am glad, I must say, that we are not looking for any kind of an audit 6 months from now to see whether we can comply.

I would like to ask for the funds but I am reluctant to say I think we may have made the right decision and we hope you can change the law so North Carolina can participate equally with the other 50 States in this worthwhile program but in a manner which we can in good faith tell you we will do a certain amount of work each year toward these goals and expect you to monitor our progress and see that we can reasonably do what we set out to do.

In the summer of 1976 we had to withdraw. I have mentioned that the requirement was that we deinstitutionalize 100 percent. I recognize that was reduced to 75 percent in 2 years. Unfortunately that would not have been possible because it requires 100 percent deinstitutionalization in the future.

I think it is important for me to mention there is concern about having 100 percent deinstitutionalization as a primary goal. I will come back to that.

I would like to say we have continuously evaluated whether we can participate. A number of people in North Carolina are interested in the program and would like to participate but we have not been able to because of these requirements.

I would like to add LEAA has been most responsive in assisting us in reviewing the data and information and has been most helpful in this matter.

I would like now to go to four areas or concerns with the act that we would like to ask that you consider.

The first major problem that we see is with section 232-A-12 of the act requiring deinstitutionalization of the status offenders.

While we are in a minority of the States not participating, I would like to suggest that we are far from having any less of a commitment to juvenile justice. As I mentioned earlier, the Criminal Justice Advisory Committee is allocating far more than allowable in the program. In the first period of the program we would need $21 million when the Federal act would allow only $2 million. It would be extremely difficult to make up the balance.

Another thing I would like to mention about the deinstitutionalization issue is that it is brought to the fore in this act. The cost of deinstitutionalization is so great that we can't use the program to deal with other issues. We are trying to deal with a complex problem, juvenile justice. One of the major problems is deinstitutionalization but there are many other problems that need equal interest and, unfortunately, by emphasizing deinstitutionalization to the point it is, we are not able to look at the others and have money to deal with it.

North Carolina in the past 2½ years has tried to divert juveniles sent to the courts away from the juvenile system. This program was implemented with LEAA funds about 2 years ago and the data we have, we have 1 year of good data. The number of juvenile petitions submitted to the court was decreased last year from the previous year and, as you know, with your knowledge of the criminal justice system, all the data is going up, increasing crime rates, increasing everything.

Here where we had a major half million dollar program of intake counsels placed in the 30 juvenile districts in the State of North Carolina, the number of petitions has not increased. I think it can be partially attributed to this program, which could be an even more effective mechanism if it were not for the import of the deinstitutionalization.

Do you want to make it such a large priority that it almost overwhelms planning to the point it is not possible to plan for other things because there is not enough money to actually deal with this problem?

As an alternative to this, I would like to suggest that you consider allowing States to participate equally so North Carolina likewise can participate by setting a standard of compliance supported with rigid guidelines in monitoring of progress.

Mr. Corrada. I will return the chairmanship to Congressman Andrews.

Mr. Andrews. Thank you, Congressman Corrada.

Mr. Smith. The other point I would like to make regarding deinstitutionalization is, as you know, the act requires 100 percent compliance and I think it is important for you to know there are a number of juvenile justice officials in the State of North Carolina, including judges, that have day-to-day experience with this who are concerned that 100 percent compliance may be more than should be set as a goal.

The issue is what do you do with runaways and there can be other situations where you may have a child and there may not be a better alternative than a training school and I think that consideration should be given to allowing with very explicit guidelines, a threshold criteria through which a status offender could be placed in a training school and, therefore, we would not have 100 percent institutionalization.

I say this because I don't, and I think a lot of people don't, have the answer of what to do with the runaway. If you have suggestions on what we can do in the State of North Carolina, or if you do not have complete answers, I would like to ask that you consider not making it a 100 percent requirement. We would like to deinstitutionalize status offenders out of institutions to the greatest degree possible but we think in certain circumstances we should have that as a back-up.

Mr. Andrews. You say the act requires what?

Mr. Smith. It would require we take all status offenders out of the seven training schools in North Carolina, which is a laudible goal. However, a number of district courts just deal with juveniles on a day-to-day basis who say that in some instances they have no alternative. If we do not have the alternative, there is a possibility in some limited instances the court has less authority and control of the situation.

Mr. Andrews. If you sent such an offender to a State institution, such as a judge in certain instances says he must, then you mean you are not eligible to receive moneys under this act.

Mr. Smith. That is correct. The State of North Carolina cannot receive funds unless we commit ourselves to having 100 percent deinstitutionalization out of institutions, out of training schools and the county jails, which is frankly impossible.

Mr. Andrews. What does the word status mean?

Mr. Smith. They would not permit juveniles to commit acts considered criminal if committed by adults. It is not desirable that they necessarily be placed in an institution if, according to the act, we can place them in secure facilities.

As you know, many counties in North Carolina cannot afford to have a secure facility for status offenders. As a matter of fact, 92 of the 100 counties can't have facilities even for the juvenile delinquency. This is the question I raised earlier. The act is so oriented in dealing with the status offenders that we are not able to deal with the juvenile delinquent. Should we be put in a straightjacket, or allow the State to deal with the juvenile delinquency problem and the status offender problem?

Mr. Andrews. You have to have the money sufficiently not to need any money before you can get any money?

Mr. Smith. Yes; by suggesting that we try to have a possibility of having a judge be able to use a State training school, I don't suggest that we necessarily maintain the same situation. It may be desirable to have explicit guidelines a judge would have to use before committing a status offender to a training school. The goal of the Juvenile Justice Delinquency Prevention Act is a good one, but we may be able to deinstitutionalize 95 percent as a goal.

Mr. Andrews. How many States do not participate in this program?

Mr. Smith. I don't know the answer. I understand approximately 10.

Mr. Andrews. Do you know whether any of the other nine, or whatever it is, are not within the act for the same reason?

Mr. Smith. No, sir, I think going back just to make a few final comments on the issue of deinstitutionalization, we are forced in North Carolina by the act, if we implement it, to emphasize small shelter care facilities for status offenders in the 92 of the 100 counties that don't have that service when the counties are seeing an even greater need for providing specialized attention facilities for juvenile delinquents to get them out of the county jails and we can't deal with that problem through this act, only as a secondary issue. So we would recognize that there be a good-faith effort by each State to comply with the guidelines being set up, with guidelines for exceptional situations such as runaways in other instances.

Now going to the second problem that we see in section 223-A-3, the advisory board makeup. For your information the North Carolina General Assembly created by statute a Juvenile Justice Planning Committee just recently to try to coordinate and bring together all juvenile justice planning. Unfortunately the composition of this board is different from the composition recommended by the——

Mr. ANDREWS. Recommended or required?

Mr. SMITH. Recommended, actually by Executive order of the Government, but the desire is that it be a committee made up especially of individuals with experience and expertise, to use words also in the Juvenile Justice and Delinquency Act. It does not envision at this time having the requirement of a large number of individuals under 26 or 22 years of age. So we have the potential of needing to create a second advisory committee and, if it would be possible to allow a State to identify the advisory committee it deems best and try to work this act through that committee without a lot of stringent guidelines on the composition, it would be helpful for North Carolina.

As a third problem, section 223-A-5 requires that 66 2/3 percent of the JJDP funds under the act——

Mr. ANDREWS. I am sorry, but I did not hear you.

Mr. SMITH. Two-thirds of the money would have to be provided for local government. North Carolina totally supports the concept of providing funds for local government. However, we do endorse the National Association of Counties' proposals for providing "incentives to States for establishing State subsidy programs to counties." About 2 weeks ago the proposal being considered by the North Carolina General Assembly was to allocate approximately $3 million for this purpose using State funds. It seems to me it would be appropriate to use the JJDP funds to supplement that effort by an extra $1 million, bringing it up to as much as $4 million to deal with this problem of the JJDP Act.

Our problem is the act as now written, if we try to implement it, it would require us spending directly two-thirds of the money for local government. We think it would be better to coordinate it with a State subsidy program and possibly bring it through a State agency. This is included in my written statement I have given you.

As a fourth and final suggestion, as you know, this act runs concurrently with the Crime Control Act of the LEAA program and, unfortunately, trying to combine the two acts is extremely complicated and perplexing when you create guidelines that ultimately get to the State and I think it is confusing to have different guidelines for different pots of money. For instance 66 2/3 percent of the money from the JJDP Act must be spent for local government. For the LEAA program in North Carolina it amounts to 43 percent. There are so many different percents in pots of money that it is extremely difficult to keep everything in mind, especially to present the program to the public so they can try to understand it and appreciate it. It sometimes boggles their minds. Anything that can be done to bring simplicity to the program would be helpful. Sometimes I think I am going cross-eyed trying to keep up with the guidelines.

One final comment about the program. As you know, LEAA requires that 19.15 percent of the LEAA funds be spent for juvenile justice. There, incidentally, is probably twice the percentage cost of juvenile justice costs in North Carolina as opposed to the entire criminal justice system. We estimate the juvenile system in North Carolina costs 10 percent of the entire system. Yet by LEAA requirements, it takes 19 percent. This is good, it makes it a top priority but I think it is important for you to have this data to understand it is quite a lot of money that the Governors Crime Commission now putting in juvenile justice, in fact by requirement of Congress.

With that I would like to thank you for the opportunity to speak with you and will be happy to answer any questions.

[The written statement of Gordon Smith follows:]

SPEECH BY GORDON SMITH, III
TO HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
April 22, 1977

I would like to begin by expressing my appreciation to you for offering me the opportunity to appear before you today. Progress in our efforts to deal with the problems of juvenile deliquency is crucial if we are to make headway in the overall fight against crime in this country, and I hope that these comments will be of use to you as you pursue this goal. I will discuss first North Carolina's response to the Juvenile Justice and Delinquency Prevention Act and will then make a few recommendations for your consideration in the reauthorization of the Act.

When Congress passed the JJDP Act in 1974, expectations across the nation were high that its implementation would offer opportunities for significant improvements in services to young people. Being in general agreement with the JJDP Act's stated goals and anxious to participate in an effort which promised to provide funds for these laudable purposes, North Carolina determined to take part in the program developed under the JJDP Act. The State submitted the required plan supplement document in July 31, 1975 and, subsequently, received a formula grant of $200,000 in fiscal year 1975 funds along with a planning grant of approximately $45,[illegible] Steps were initiated to comply with the various mandates of the statute and the guidelines developed pursuant to the Act, including the appointment of an advisory board and establishment of a system for monitoring. Almost immediately, work also began on the development of the FY 76 plan supplement document which was submitted in November of 1975. The guidelines for that document were much more extensive and demanding than those for the FY 75 plan supplement document, and on April 19, 1976, the State was informed of a number of major changes and additions to its plan that would be expected prior to its approval. I would like to mention briefly several of those that caused us greatest concern over our ability to meet them:

1. The State was called upon to provide a specific plan for assuring 100% deinstitutionalization of status offenders by August, 1977. This requirement I will discuss in more detail in a moment.

2. The State Planning Agency was required to submit documented evidence that it had the authority to "be able to cause coordination of human services to youth and their families." Though the state legislation which established the SPA and gave it a coordinating role was submitted, it was not deemed sufficient.

3. There were extensive requirements for data collection to satisfy the guidelines for the detailed study of needs, although the State's own timetable for the creation of a systemwide computerized information system would have been disrupted by this demand.

Throughout the next few weeks, there was debate about the ability of North Carolina to meet these and other stated criteria for funding. The State's commitment to these goals of improving services to young people had already been made clear. The 1975 Session of the N. C. General Assembly had enacted legislation to prohibit within two years the commitment of status offenders to the state's training schools and to provide a county-by-county assessment of the needs of young people in the State, an action which affirmed the same concerns as those expressed by the Congress with the passage of the JJDP Act. And, at about the same time, the State's supervisory board for the LEAA program indicated a similar concern with the allocation of an amount of excess of $2.5 million in its FY 76 comprehensive plan to be used exclusively for juvenile programs.

Although the data was very poor, the best statistical information available showed that over 500 status offenders had been committed to training schools in 1975 and over 5000 status offenders had been held in local jails and detention facilities. (The revised state law had not dealt with issue of local detention.) Assuming that new shelter programs in the communities would have to be developed to serve this number of children each year to meet the mandate of the JJDP Act for deinstitutionalization, it was estimated that the cost of carrying out this program in the first year would be over $7 million. And even without the consideration of funds, the mechanics of developing alternatives in such large numbers were staggering.

With these major constraints and other complicating factors in mind, ultimately the only possible decision was to decline further participation. Although there was a sincere concern for young people and general agreement over goals, it was felt that it would not be in the best interest of the citizens of North Carolina to accept funds knowing it would not be possible to comply with Congressional requirements.

On June 11, 1976, therefore, North Carolina formally withdrew from the program. The fact that a standard calling for 75% deinstitutionalization within 2 years had been issued did not alter our position, since 100% compliance still was ultimately required. Since June, 1976, North Carolina has repeatedly reevaluated its position, but, not even considering other less handicapping requirements, it has remained a fact that the State cannot in good faith affirm that the requirement for deinstitutionalization can be met.

I want to make clear the fact that LEAA has attempted to be responsive to our needs and understanding of our constraints. We have found a willingness on their part to work with North Carolina in attempting to deal with the obstacles to participation. LEAA has not been in a position, however, to allow flexibility in deinstitutionalization and other statutory mandates, and, therefore, agreement has not been possible, in the final analysis.

With that historical perspective, I would like to discuss briefly a few concerns of North Carolina with the JJDP Act which we believe can be addressed by these amendments:

1. As evidenced by my description of our past participation, North Carolina sees a major problem with Sec. 223 (a)(12) of the Act which requires the deinstitutionalization of status offenders. Though North Carolina is one of the minority of states not participating, I would not want you to think that our State is any less committed to the goal of deinstitutionalization. We, perhaps, have taken a more conservative approach than others. Believing that we could not, in good faith, state that we could accomplish the Act's goal for removing status offenders from secure surroundings within the time frame and with the limited

resources that would be available for this purpose, we declined to participate. Although the State is making every effort to remove status offenders from its institutions, there is neither the money nor the time to meet the mandate of the JJDP Act. North Carolina has estimated, as I have said, a cost of $7 million to provide the needed alternative services for status offenders for one year. Our State's allocation under the JJDP Act for the past three fiscal years combined would have been less than $2 million. It is true that some other federal funds are available to supplement state and local resources. This brings me to another point, however. The problems of the juvenile justice system are many and complex. By focusing attention so sharply on just one of those major issues, the deinstitutionalization of status offenders, the JJDP Act may have had the effect, I fear, of diverting attention from a comprehensive approach. Certainly not all of our resources for new efforts can or should be earmarked for this one purpose, although attempting to meet this mandate would have required such an approach in North Carolina.

As an alternative to the present wording and the proposals of both Senator Bayh and the Administration, I would suggest that the standard for compliance be a good faith effort, supported by rigid guidelines. Frankly, many juvenile justice officials in North Carolina believe that 100% compliance may not be possible for many years. In our State, we are attempting to develop a system of state-operated schools which offer the best treatment services available anywhere for children placed there by the juvenile court. In some few cases, which should be determined by explicit guidelines, a judge may feel that services that can be provided in this setting best suit a particular child's needs. Or, in the case of a runaway, secure custody may be necessary if there is any chance of intervening in that child's situation. Particularly distressing in our State is the fact that 92 of 100 counties have the county jail as their only resource for the secure custody of juveniles. It is difficult to force an emphasis on a small shelter facility for status offenders when the counties see a crying need for a specialized detention facility that would take all young people out of the often deplorable surroundings of the jail. So, I recommend that a good faith effort at compliance be permitted, with guidelines being set for the exceptional situations such as those I have described. Further, the time frame for compliance in this manner should be expanded so that the total resources of the juvenile justice system could be marshalled to deal adequately with all priority issues, not just deinstitutionalization.

2. The advisory board required by Sec. 223 (a)(3) of the JJDP also is a source of difficulty to us. The North Carolina General Assembly has recently created statutorily the Juvenile Justice Planning Committee, which is to be an adjunct committee to the LEAA supervisory board. This committee is mandated to plan comprehensively for the juvenile justice system in our State. The composition of that committee is designed to be broadly representative of experience and expertise in juvenile justice and is believed to be the most effective mechanism for juvenile justice planning in North Carolina. The composition, incidentally, does not coincide with that required by the Act for the juvenile justice advisory group, and, therefore, the participation of North Carolina in this program would necessitate another committee, a step that would only serve to fragment our efforts. The legislation proposed by Senator Bayh, I understand, would require policy-setting authority for those boards and

allow the boards to award grants and contracts, though in our State, at least, a committee of a different composition but similar purpose has already been established. We agree that a juvenile justice advisory group is essential, but we recommend that its composition and role be determined by each state, dependent upon its own needs.

3. Currently, each state is required under Sec. 223 (a)(5) to make available 66 2/3% of its JJDP Act funds to local units of government, though guidelines permit a partial waiver of this requirement in some instances. North Carolina totally supports the concept of providing funds to local governments for juvenile programs; however, we endorse the proposal of the National Association of Counties for the provision of "...incentives to states for establishing state subsidy programs to counties..." and recommended that the JJDP Act provide the flexibility within the requirement to allow as much as 100% of the state's JJDP Act allocation to be granted to a designated state agency for the purpose of creating or supplementing a state subsidy program to counties for community-based services to youth.

4. Lastly, I would like to mention a problem that I have noted concerning the many requirements of the JJDP Act. As they are briefly stated in the legislation, they are difficult to argue with, for their purposes are laudable. When translated into operational guidelines, however, they often become complicated and perplexing. It is confusing to agencies and units of government with who the state planning agency works to have a number of guidelines for Crime Control Act funds and still others, sometimes contradictory, for JJDP Act funds. The differing pass-through requirements are one example; the additional data requirements are another.

The guidelines (which, of course, are only outgrowths and clarifications of statements in the legislation) ought to follow as nearly as possible the Crime Control Act requirements and minimize additional requirements, keeping in mind that although the JJDP Act calls attention to an area of special interest, we maintain a common goal to reduce crime and delinquency.

In closing, let me express again my appreciation for your attention to these concerns. I assure you of the commitment of North Carolina to provide the best possible services to young people and to reducing and preventing juvenile delinquency. I urge you to consider these recommendations as you prepare for reauthorization of the JJDP Act. If you have any questions, I would be happy to answer them.

Mr. **Andrews.** Gordon, I used to be chairman of the board of governors in a Baptist Church and a lot of people would want to put a check in the collection plate and designate that their money be used for the building fund or foreign mission fund. That was always a sort of joke. They designate their check for the building fund. The deacons decide to put so much of the total amount collected into the building fund. So you put their check in as part of that.

Why don't you give 19.15 or whatever of the LEAA money to the juvenile program and correspondingly less of the State appropriated money. It is all the same, isn't it? Take out of one pocket more and the other pocket less. It all goes the same way. Isn't that how ridiculous those formulas are?

Mr. **Smith.** It is extremely confusing. I wake up in the middle of the night sometimes and start thinking of those percents and wonder what I did.

Mr. **Andrews.** Are there questions, Mr. Congressman?

Mr. **Corrada.** No, Mr. Chairman.

Mr. **Andrews.** Mr. LaVor.

Mr. **LaVor.** Following up on your concerns about the deinstitutionalization priority in the present act, in the bill pending before the committee, there is an amendment to change section 223-A-12, change the word must to may, so it is permissive in the State. Would that change alone solve your problem?

Mr. **Smith.** Not quite.

Mr. **LaVor.** What else would have to be done?

Mr. **Smith.** If I could see you after the meeting, I had not prepared a written solution to include it. There would need to be a slight addition in the sentence. I would like an opportunity during the break to give that to you.

Mr. **LaVor.** Thank you. This is on the right track.

Mr. **Smith.** Yes, sir.

Mr. **Andrews.** May I recognize Dr. Albert Reiss, and we will come back.

Dr. Reiss is a member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

STATEMENT OF ALBERT REISS, MEMBER, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. **Reiss.** I shall summarize briefly, and you have a copy of my testimony.

I just want to say that I am pleased to represent the National Advisory Committee on Juvenile Justice and Delinquency Prevention before the subcommittee.

As you know, the Juvenile Justice Act provides for the appointment of the committee that I represent and we urge the Congress to reauthorize the Juvenile Prevention Act of 1974. We voted on a comprehensive set of regulations and we submitted those to Senator Bayh on March 11 and I am transmitting some of those recommendations now.

I would like to simply summarize the main recommendations and then answer any questions you may have.

Before doing so, however, I want to call attention to the fact the staff of the Office of Juvenile Justice and Delinquency Prevention has been doing an outstanding job, but the level is below that we think is necessary to carry out the important, complex and comprehensive responsibilities under the act. Indeed, as a committee provided for under that act, we are working without staff because it is more important that they be assigned to other duties. Certainly the level of staffing should be increased.

Let me turn to specific recommendations. We believe that the Congress and the President should support full funding for the reauthorization and are concerned that the reauthorization provides for $75 million whereas the current 1977 funding is $150 million and, indeed, Senator Bayh, the Senate bill provides for $150 million with annual increase for the 5 years recommended in that bill, but he certainly feels that the level of funding ought to be at that current fiscal——

Mr. ANDREWS. I thought the authorization was $150 million but the funding was $75 million.

Mr. REISS. That is right, and we are suggesting full funding of $150 million.

Mr. ANDREWS. I understood you to say the full funding now was $150 million?

Mr. REISS. No, the authorization. We are recommending full funding. I think some of the problems addressed here is not having enough funding in the States in order to carry out the responsibilities the act requires.

Second, the committee believes the 1974 act represented a landmark achievement in helping prevent delinquency by removing inappropriate youths from the juvenile justice system and by providing them with alternative methods of care for the deinstitutionalization of status offenders.

The act provides the needed framework for combining the delinquency prevention efforts of Federal, State, and local governments with those of the private sector. Thus, the committee endorses the general philosophy and provisions of the act and recommends its reauthorization with only relatively minor changes. The committee believes that LEAA should continue to have jurisdiction over the act. LEAA's legislative mandates and organizational structure are closely related to those of the act and the committee believes that LEAA's administration has facilitated the act's implementation.

The committee strongly recommends that the Presidentially appointed Assistant Administrator who heads OJJDP be delegated all administrative, managerial, operational, and policy responsibilities related to the act. The committee believes that some of these responsibilities, which have been carried out to date by the LEAA Administrator, should have appropriately be delegated to the Assistant Administrator in charge of this important national office. Under the present arrangement, the Assistant Administrator bears the responsibility without having the corresponding authority.

I should call attention to the fact that if one reads the 1974 act, it would appear that the Assistant Administrator has the authority to do so, but in practice the Assistant Administrator has not had the power and authority to carry them out and anything that could be done to strengthen that, the committee believes would make it possible to carry out the objectives more competently.

Second, another committee recommendation concerns the make-up of the Coordinating Council. As you know, one of the most difficult parts of the Federal efforts in juvenile delinquency is to try to coordinate programs across the agencies and the 1974 act provided for a Council chaired by the Attorney General with representatives of major agencies to coordinate overall policy and objectives and priorities in all Federal juvenile delinquency programs.

The committee believes that several additions to the Council membership would enable it to carry out these functions more effectively. Therefore, the committee recommends that the directors of the Office of Management and Budget, and the National Institute on Drug Abuse as well as the Commissioner of the Office of Education be added to the Council.

Third: The committee has several recommendations concerning the matching requirements of the act. The committee believes there should be a 10 percent hard match required for units of Government, but that the assistant administrator should be permitted to waive matching requirements for private nonprofit agencies. These agencies are critical to the successful implementation of the act, representing the efforts of millions of citizens whose services could not be bought at any price.

Furthermore, the involvement of these groups in providing services for youths offers an alternative to costly and often stigmatizing processing by the juvenile justice system. Many of the private nonprofit agencies operate on severely limited budgets and would not be able to participate in the act if the match requirements were strictly adhered to. The committee also recommends that the assistant administrator should have authority to waive the matching requirements for Indian tribes and the aboriginal groups and to waive State liability and to direct Federal action where the State lacks jurisdiction to proceed.

The committee has noted that some States have been reluctant to participate in the act's formula grant program because of the requirement that participating States deinstitutionalize all status offenders within 2 years. The committee believes that this problem could be lessened and more States influenced to deinstitutionalize status offenders if the assistant administrator were granted the authority to continue funding if the State is in substantial compliance and believes that the current wording proposed in H.R. 6111 may very well reach that objective with the requirement and has an unequivocal commitment to achieving full compliance.

Let me briefly mention two or three other amendments that we believe would be useful among the others that we suggest.

First: We believe that the scope of the Runaway Youth Act should be broadened to include the phrase "other homeless youth." The Runaway Youth Act has been interpreted to apply to young people who are seen as running away from home without the authority of their parents. It neglects what some people call the children who are pushed out of families who are not wanted at home and who are therefore homeless and we believe that the scope of the act should extend not only to runaways but to those who literally have no homes because their families don't want them.

Mr. **Andrews.** Walkaways.

Mr. **Reiss.** Walkaways is another. They are pushaways. So we recommend that it be so extended.

We also believe that the responsibility for that Runaway Youth Act might better be transferred to the Office of Juvenile Justice and Delinquency Prevention.

Another one is that we believe that the State advisory group provided for in the act should be committees to advise the Governor and State legislatures as well as the State planning agencies regarding juvenile delinquency programs and policies.

I should add that I currently am not only a member of the National Advisory Committee but I serve as Chairman of the State of Connecticut Juvenile Justice and Delinquency Prevention Group and we fortunately have been asked on numerous occasions to advise the Governor with respect to juvenile delinquency programs. However, we believe that should be a specific requirement to strengthen those State advisory groups.

Second: We believe that subcommittees in the National Advisory Committee should be supportive of the parent body. The current legislation is not clear with respect to that.

Finally, I would like to say that we are on record as strongly endorsing continuation of the maintenance of effort provision. I recognize in all deference to the immediately preceding testimony from North Carolina that one way of looking at it is to say that 19-plus percent may be more than those programs are as a proportion of the total budget that the State allocates. However, we note at the same time that in such States one reason for noncompliance is insufficient funding to even to execute even the deinstitutionalization provisions.

So, if the current 19-plus maintenance of effort provision is sufficient, I mean it is thought of as too much, it is certainly insufficient to accomplish the objectives set forth under the act, so we strongly encourage the maintenance of that provision.

Thank you.

[The full statement of Dr. Albert Reiss follows:]

STATEMENT

OF

DR. ALBERT REISS, JR.
MEMBER
NATIONAL ADVISORY COMMITTEE
FOR
JUVENILE JUSTICE AND DELINQUENCY PREVENTION

BEFORE

THE

HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION - LABOR
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

REGARDING

HR 6111

A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT OF 1974

APRIL 22, 1977

Mr. Chairman:

I am pleased to appear before this subcommittee as a representative of the National Advisory Committee on Juvenile Justice and Delinquency Prevention. The Committee urges the Congress to reauthorize the Juvenile Justice and Delinquency Act of 1974 and has voted on a comprehensive set of recommendations regarding this legislation. These recommendations were submitted to Senator Bayh, then chairman of the Senate Subcommittee to Investigate Juvenile Delinquency, at his request, on March 11, 1977. I am pleased to submit these recommendations to you today, and I hope that they will be helpful to you in your very important work.

The National Advisory Committee was created by the Juvenile Justice Act as part of a congressional emphasis on improving the coordination of Federal juvenile delinquency programs. The Committee has 21 Presidentially appointed members with wide ranging experience in the fields of youth, juvenile delinquency, and the administration of juvenile justice. By law, one third of the members must be under the age of 26 at the time of their appointment. This provision has brought to the group the views and special concerns of the young in formulating public policy and in developing programs for delinquency prevention and juvenile justice. Committee membership is further strengthened by a requirement that a majority cannot be full-time Federal, State, or local government employees. The Committee's makeup thus includes members from a number of private agencies whose support and activities are essential for the successful implementation of the Act.

The National Advisory Committee has three major subcommittees: The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice; the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; and the Advisory Committee on the Concentration of Federal Effort.

The full Committee has met nine times. Early meetings served to orient the Committee to the range of Federal programs and to its relationship to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and other Federal programs. Later meetings focused on specific issues in juvenile justice and on particular programs. The Committee developed a set of recommended research priorities for the National Institute, formulated national standards for juvenile justice which have been submitted to the Congress and the President, and prepared a set of objectives to guide the Committee's activities over the next year. The Committee also prepared and submitted its first report to the Administrator of the Law Enforcement Assistance Administration on September 30, 1976 which includes 13 recommendations for improving the Federal juvenile delinquency prevention effort.

Before discussing specific recommendations of the National Advisory Committee I would like to commend the OJJDP staff for doing an outstanding job in carrying out the purposes of the Juvenile Justice JDP Act. However, I would like to state for the record that the overall level of staff support made available to OJJDP has been unreasonably limited in light of the importance, complexity, and comprehensiveness of the responsibilities assigned.

I would now like to highlight a few of the recommendations of the National Advisory Committee, as they are relevant to the proposed legislation:

- Congress and the President should support full funding for the 1974 Juvenile Justice Act, including money for appropriate staffing of the National Advisory Committee and the Coordinating Council on Juvenile Justice and Delinquency Prevention;
- OJJDP should continue its efforts to develop a set of definitions for ambiguous terms such as "juvenile delinquency," and "detention and correctional facilities;"
- The various agencies and bodies working in the juvenile justice and delinquency prevention fields should make delinquency prevention as well as juvenile justice a high priority in their programs and activities;
- States and localities should develop supportive services for status offenders. Juvenile courts should not be involved in such cases unless all other community resources have failed;
- To improve Federal coordination of delinquency programs, the Office of Management and Budget should be added to the membership of the Coordinating Council.

Let me turn now to the National Advisory Committee's specific recommendations on the legislation under consideration.

The Committee believes that the 1974 Act represents a landmark achievement in helping prevent delinquency by removing inappropriate youths from the juvenile justice system and by providing them with alternative methods of care. The Act provides a needed framework for combining the delinquency prevention efforts of Federal, State, and local governments with those of the private sector. Thus, the Committee endorses the general philosophy and provisions of the Act and recommends its reauthorization with only relatively minor changes. The Committee believes that LEAA should continue to have jurisdiction over the Act. LEAA's legislative mandates and organizational structure are closely related to those of the Act and the Committee believes that LEAA's administration has facilitated the Act's implementation.

The Committee strongly recommends that the Presidentially appointed Assistant Administrator who heads OJJDP be delegated all administrative, managerial, operational, and policy responsibilities related to the Act. The Committee believes that some of these responsibilities, which have been carried out to date by the LEAA Administrator, should more appropriately be delegated to the Assistant Administrator in charge of this important national office. Under the present arrangement, the Assistant Administrator bears the responsibility without having the corresponding authority.

Another Committee recommendation concerns the makeup of the Coordinating Council. The Council is charged with making recommendations to the Attorney General and the President with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs. The Committee believes that several additions to the Council's membership would enable it to carry out these functions more effectively. Therefore the Committee recommends that the Directors of the Office of Management and Budget, and the National Institute on Drug Abuse, as well as the Commissioner of the Office of Education be included on the Council.

The Committee has several recommendations concerning the matching requirements of the Act. The Committee believes that there should be a 10 percent hard match required for units of government but that the Assistant Administrator should be permitted to waive matching requirements for private nonprofit agencies. These agencies are critical to the successful implementation of the Act, representing the efforts of millions of citizens whose services could not be bought at any price. Furthermore, the involvement of these groups in providing services for youths offers an alternative to costly and often stigmatizing processing by the juvenile justice system. Many of the private nonprofit agencies operate on severely limited budgets and would not be able to participate in the Act if the match requirements were strictly adhered to. The Committee also recommends that the Assistant Administrator should have authority to waive the matching requirements for Indian tribes and the aboriginal groups and to waive State liability and to direct Federal action where the State lacks jurisdiction to proceed.

The Committee has noted that some States have been reluctant to participate in the Act's formula grant program because of the requirement that participating States deinstitutionalize all status offenders within two years. The Committee believes that this problem could be lessened and more States influenced to deinstitutionalize status offenders if the Assistant Administrator were granted the authority to continue funding if the State is in substantial compliance and believes that the current wording proposed in H.R. 6111 may very well achieve that objective. with the requirement and has an unequivocal commitment to achieving full compliance. The Committee has also developed clearcut guidelines defining conformity.

A number of other amendments suggested by the Committee are:

- Require that State advisory committees advise the Governor and State legislatures as well as State planning agencies regarding juvenile delinquency policies and programming;
- Provide that the subcommittees of the National Advisory Committee are subordinate to the parent body;
- Broaden the scope of the Runaway Youth Act to include other homeless youth;
- Transfer responsibility for the Runaway Youth Act to OJJDP;
- Improve the coordination of OJJDP's programs with the Office of Education;
- Improve advocacy activities aimed at improving services to youth affected by the juvenile justice system;
- Improve government and private programs for youth employment;
- Continue the maintenance of effort provision.

Mr. Chairman, this concludes my formal presentation. I would like to thank the Committee for the opportunity of testifying and I would be pleased to respond to any questions the Subcommittee may have.

Mr. **Andrews**. Thank you.

Are there questions?

Mr. **Corrada**. No, Mr. Chairman.

Mr. **LaVor**. Dr Reiss, on page 5 of your statement you said the committee believes there should be a 10 percent hard match for units of Government, but the assistant administrator should be permitted to waive matching requirements for private nonprofit agencies and then about two sentences later you said many of the private nonprofit agencies operate under severely limited budgets and would not be able to participate in the act if the matching requirements were strictly adhered to.

On what basis do you assume all units of local government have unlimited pots of money and would not be severely strained, too, and is there any data to indicate that any States or units of local Government might drop out of the program if the hard match were required?

Mr. **Reiss**. We have heard arguments on that side and we are still looking into that question. You may be quite correct that it is too stringent a requirement for units of local governments. We have gathered considerable testimony from the private sector indicating it is too stringent for that sector. I am saying we have not taken a position except to say that for the present we believe it should not be required.

Mr. **Andrews**. Mr. Thomas, you are the director of the State planning agency of South Carolina? All right, we will be glad to hear from you.

STATEMENT OF LEE THOMAS, DIRECTOR, STATE PLANNING AGENCY, SOUTH CAROLINA, REPRESENTING THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING AGENCY DIRECTORS

Mr. **Thomas**. Thank you. It is a real pleasure to be here representing our national association. I will be brief with my remarks. Recognizing the time limitations, we are submitting a written statement to the committee.

I would like to say that our national conference was a strong supporter of this legislation in 1974 and strongly supports reauthorization this year. We do feel that it has provided a focal point in many States for drawing attention and coordination to the problem of juvenile delinquency and improvement of the juvenile justice system. We found a longstanding priority in many of the States to use funds of LEAA on the juvenile justice system.

This act, however, has brought about an even sharper focus on the issues that needed to be addressed, particularly deinstitutionalization, separate of the adults and juveniles, particularly in detention facilities and a system for monitoring those who mandate.

I would point out, as Gordon did, there have been a number of problems as far as implementation at the State level. Those problems have not resulted from a lack of commitment on the part of States or local units of government to the legislation itself and to what the legislation was all about. I think States are committed to removing status offenders from institutions to trying to provide services and programs for juveniles. However, I think the specific parts of the legislation that Gordon pointed out did present a number of problems to a number of States.

The major point I believe that caused a number of States not to participate was twofold. First, the mandate for deinstitutionalization of all status offenders within 2 years and, second, the level of appropriation to carry out that mandate under this particular legislation. The States that have not participated have varied since fiscal year 1975 when we began implementation. This year 10 States and territories are not participating in the program. The first year it started, 15 States were not participating. It is not the same States, it changes each year.

One of the reasons for the change is because of the confusion and lack of clarity on a national level as to what the deinstitutionalization mandate meant, what the sanctions would be if you didn't comply within 2 years, what was meant by substantial compliance, what was meant by a good-faith effort. We got differing directions at different times. We feel some of this confusion was because of a lack of commitments on the part of the administration to implement this particular program. That lack of commitment we felt led to a lack of dialog between the administration and Congress over what was meant by these particular sections of the act.

We would propose, our national association would propose some specific changes this year. Some of those changes are already incorporated in H.R. 6111. We would propose, for instance, however, some change to the section that deals with status offenders. Rather than a 2-year mandate we would suggest that there be a 5-year plan for deinstitutionalization of all status offenders in each State and that that plan be established and agreed upon between the State and LEAA with specific milestones for measuring success toward the goal of complete deinstitutionalization.

We would suggest that the alternatives placement be broadened to include a number of alternatives to institutions and we felt, as I mentioned, that each State is unique, each State has unique problems and each State's plan should be negotiated between LEAA and that State with the bottom line being 5 years and 100 percent compliance.

We feel that if this provision was made in this legislation and the level of appropriation was a level of full funding, $150 million a year, we feel the States not now participating in this act would substantially drop, a number of States would come in and fully participate. They want to accomplish the same goal Congress does as far as status offenders are concerned.

We would urge that one provision we noted in H.R. 6111 to change the State supervisory boards to mandate representation by three of the advisory board members not be included. The majority of States have already included advisory board members on the supervisory board. However, there again we feel that that is basically an issue that should be left to the States.

The LEAA legislation, the Crime Control Act, each time it comes up for reauthorization or amendment since 1968 there have been some changes to the supervisory board. For instance, last year there were changes that mandated participation by the judiciary, specifically participation by specific members, such as the Chief Justice. This required a number of States this past year a change in legislation that spells out representation on the supervisory boards.

In other States it requires taking people off, putting new people on. We feel if this change is made now we will go through the entire act again. It is very confusing for the administration of the program at the State and local level.

Overall, I think that H.R. 6111 basically represents the position that our conference would take. With the exceptions that I noted, we feel the program should be authorized. We would encourage that the authorization and appropriation level be at least at the $150 million level for at least 2 more years. The 2-year reauthorization we think is important, at least the 2-year reauthorization in that that would basically bring it into the same cycle that the LEAA or Crime Control Act is now.

We appreciate the opportunity to be here today and will be happy to answer any questions.

Mr. Andrews. Thank you.

Any questions, Congressman?

Mr. Corrada. Do you have any provision with respect to the suggestion made that the youth runaway program be transferred from HEW to ACTION?

Mr. Thomas. No; our conference does not have a position on that. I personally would have a position. If it was going to be transferred, I hope it would be transferred to LEAA. I feel the Runaway Youth Act is not unlike a number of programs being administered under the Office of Juvenile Delinquency.

Runaways constitute a major portion of the status offenders.

Mr. Andrews. At present, what is the State required in terms—what is the requirement that the State match funds, what is the amount?

Mr. Thomas. The amount is 10 percent. It can be in kind. We have taken the position we would like the language to remain the same. It can be in kind or cash match. That can be implemented, we feel, by the States and local governments very effectively.

Mr. Andrews. What do you think of the requirements, as I understand it, in the act that requires 15 percent of the money be received by the State, that that be used for planning purposes?

Mr. Thomas. I think the requirement is up to 15 percent of the money could be used for planning purposes. I think the majority of the States don't use that much for planning purposes. In my State it would be like 5 percent.

I was listening to some of the staffing requirements. In my State I have 32 people in my office and we administer all LEAA funds. We have 51 active projects to date.

[The written statement of Lee Thomas follows:]

Statement of

Lee M. Thomas

Office of Criminal Justice Programs

Executive Director

State of South Carolina

on behalf of

The National Conference of State Criminal Justice

Planning Administrators

before

The Subcommittee on Economic Opportunity

Committee on Education and Labor

United States House of Representatives

April 22, 1977

Mr. Chairman, and distinguished members of the Committee.

On behalf of the National Conference of State Criminal Justice Planning Administrators and as Executive Director of the Office of Criminal Justice Programs of the State of South Carolina, I both welcome and appreciate this opportunity to provide you with oral and written testimony on the matter of the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

The National Conference

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-five (55) State and territorial criminal justice Planning Agencies (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (Juvenile Justice Act). During Fiscal Year 1977, the SPAs have been responsible for determining how best to allocate approximately 60 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states through the SPAs are assigned the central role under the two Acts.

National Conference Perspective

The National Conference fully supports reauthorization of the Juvenile Justice Act and continuation of the administration of Title II of the Act by the Law Enforcement Assistance Administration (LEAA).

However, the National Conference believes (a) certain requirements of the Act must be modified to encourage realization of the totality of the objectives of that measure and (b) the level of federal assistance directed to the Act must be substantially increased to that end. The National Conference agrees in principle with H.R. 6111, the Administration's bill to extend and amend the Act. Specifically, the National Conference supports four major amendments to the Juvenile Justice Act of 1974:

(1) the Act should be extended for two years at $150 million per year;

(2) Section 223 (a)(12) should be amended to require deinstitutionalization of status offenders over a five year period, with annual benchmarks to be established for each state through individual agreements made by LEAA with each state;

(3) Section 224 (b) should be amended to limit LEAA's special emphasis program to no more than 15 per centum of the funds appropriated for Part B of Title II; and

(4) Section 223 (a)(17) of the Act regarding special arrangements for state and local employees should be stricken.

Need For Federal Assistance

As we in the states have refined the art of criminal justice planning and research, one shocking fact has become increasingly clear: juvenile delinquency is a problem far more serious than many seem to believe -- and it is growing worse each year. Although youngsters from ages 10 to 17 account for only 16 percent of our population, they account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

The State Planning Agencies have applied increasing amounts of funds to address juvenile problems, and the programs which we have developed have begun to reshape the nation's youth service systems. The states have placed emphasis on deinstitutionalization of status offenders, segregation of juvenile from adult detainees in correctional institutions, community-based programming including shelter-care and foster-home placement, youth service bureaus, and other programs aimed at diverting juveniles away from the formal criminal justice system. These are the types of programs which have been developed by the states during the past eight years. This is where the emphasis has been and where it is expected to continue to be.

We firmly believe that more programs and more new ideas are needed. The philosophy in these programs is that juvenile delinquency should be addressed at the community level and that large institutions do not serve the rehabilitative needs of most juveniles. The community-based programs, which have been established to date, have been too few in number to show substantial impact on juvenile crime. The public demands results and quite frankly, we sense the beginnings of hardening public attitudes in dealing with juvenile offenders. Those who once supported a community-based approach may, out of sheer frustration, soon demand a return to institutionalization. We are uncomfortably close to coming full circle.

In a number of cities, conflicts are already beginning to develop between law enforcement officials frustrated by large numbers of juveniles arrested and released by the courts, and juvenile justice officials equally exasperated by the lack of sentencing and programming alternatives. There have, in some cases, been efforts directed at the establishment of new maximum security institutions for juvenile offenders. We do not believe this is the answer, but it is a manifestation of an uneasiness in our cities and counties, about which something must be done.

We believe that community-based programs contribute to a reduction in juvenile crime, and we continue to look to the Juvenile Justice Act as a means to that end. We urgently need the Juvenile Justice Act to be reauthorized and appropriations increased to expand our efforts. The job of reducing juvenile delinquency has already begun in the states, but it cannot be expanded as rapidly as is desirable or improved without the additional resources that should be provided pursuant to a reauthorized program.

Reauthorization Period and Funding Level

We support the reauthorization of the Juvenile Justice Act for a two year period at $150 million per year.

The National Conference believes that because juvenile crime and delinquency is essentially a local problem it is best addressed at the local level. The Juvenile Justice Act is primarily a block grant program which authorizes federal funding and technical assistance based on problems identified and strategies formulated at the local level. We feel that it is important that the federal government continue to provide this financial and technical assistance without federal direction and control.

The two year authorization is recommended so that the Juvenile Justice Act and the Crime Control Act will both terminate at the end of Fiscal Year 1979. This will enable Congress to reconsider the two Acts simultaneously so that the substantive direction and administration of the two Acts can be made mutually supportive. Moreover, a two year reauthorization period will provide the Carter Administration with a reasonable period of time in which to assess the juvenile justice program and develop a long-range plan. The two year extension would also provide the Congress with approximately four years' experience from which to evaluate the operational and administrative activities under the Juvenile Justice Act prior to having to make major structural changes.

The National Conference recommends that the program be authorized at a level of $150 million per year, which is the same as the last year of the authorization of the present enabling legislation. The purpose of the Juvenile Justice Act is to increase funding for juvenile delinquency. The Crime Control Act also provides funds for this purpose. Increased authorization and appropriation levels for the Juvenile Justice Act should not result in equivalent decreases in authorization and appropriation levels for the Crime Control Act, as has occurred in the past. Congress should not play a shell game with appropriations for the two Acts.

Deinstitutionalization

We have every indication that states, even those not participating in the formal grant portion of the Juvenile Justice Act, support the concept that "juveniles who are charged with or who committed offenses that would not be criminal if committed by an adult should not be placed in juvenile detention or correctional facilities". However, a major factor for the 15 jurisdictions which decided not to participate in the formula grant portion of the program in FY 1975, the 14 in FY 1976 and the current 10 in FY 1977, and for the slow rate of subgranting and expenditure of formula grants funds in participating states has been related to the deinstitutionalization requirement.

Some states thought they knew what the requirement meant, and concluded they could not "in good faith" make a commitment to a requirement for which they had insufficient resources and time to comply. Other states were truly puzzled over the meaning of the section which was "clarified" in different ways over a period of two years. Still other states felt they could in good conscience make "a good faith effort and commitment" to deinstitutionalization, but they were fearful of sanctions if the requirement was not achieved. Many states were unwilling to move forward until there was an indication that significant federal funding would be provided. Given the Ford Administration's efforts to stifle the program through the appropriations process, many states were not willing to move until a clear indication of the direction of federal funding emerged from the battle between Congress and the President.

The National Conference believes that the deinstitutionalization requirement of Section 223(a)(12) must be modified in such a way that the states will have a reasonable time and resources to comply. The National Conference's recommendations take the following form.

(1) The states should have five years of program participation to deinstitutionalize. Many states had no or few resources available for caring for status offenders outside of institutions at the time of the passage of the Act. It takes significant time to get the political commitment behind a major reduction effort, to develop a network of service, and to have appropriate delivery mechanisms. Two or three years is simply not enough time to produce the required ingredients.

(2) Each state is extremely different. Appropriate, phased milestones for each state should be negotiated by the state and LEAA. This would enable there to be established reasonable and enforceable benchmarks for each state.

(3) The alternatives for deinstitutionalization should be broad. Placement in a shelter facility eliminates such community-based alternatives as (a) placement back in the parental home or in the home of a relative or friend, (b) a foster home, (c) a day placement or, (d) a school placement.

(4) The sanction for non-compliance should not be so severe that states who are philosophically and politically committed to deinstitutionalization would not dare to risk participation. We recommend that the most severe sanction for failure to achieve deinstitutionalization of status offenders be denial of future formula grant funding. If states are threatened with having to repay formula grant money and/or losing juvenile delinquency "maintenance of effort" money under the Crime Control Act, we are certain even more states will decide to drop out of the Juvenile Justice Act program.

We believe that with a reasonable deinstitutionalization requirement and adequate Juvenile Justice Act funding close to 100% of the states and territories will participate in the program. Moreover, a reasonable requirement and sufficient funding would also permit states to use some of the Act monies on other juvenile justice priorities. States which elected to participate in the progsam created by the Juvenile Justice Act have found it difficult, indeed impossible, to do more with the current level of appropriations than address the deinstitutionalization and separation requirements. The National Conference believes these are worthwhile ends, but it believes also, as did Congress in legislating the Act, that strong initiatives must be undertaken to strengthen the juvenile justice system and prevent delinquency as well as to deinstitutionalize status offenders and segregate adults and juveniles. The Juvenile Justice and Delinquency Prevention Act is currently in name only an act to improve juvenile justice and prevention delinquency.

Special Emphasis

The National Conference supports an amendment to Section 224(b) that would limit the special emphasis program to not more than 15 percent of the funds appropriated for Part B. We believe that the major portion of the money and LEAA's effort should be in support of the formula grant. Since the delinquency problem is essentially local, the major funding should be under the control of state and local officials. The National Conference believes that there should not be two different standards for discretionary programs under the two Acts. We do not know of any meaningful policy distinction which would limit LEAA to 15 percent under the relevant parts of the Crime Control Act but permit up to 50 percent of funds under Part B of the Juvenile Justice Act. The 15 percent limitation would create the same standard for both Acts.

Employee Protection

The National Conference recommends that Section 223(a)(17) of the Act be stricken. Existing state and local laws appear to be adequate to cover this area. It is also inappropriate for federal legislation to deal with local and individual employee relations, especially in areas which are likely the subject of collective bargaining agreements. Units of state and local government should not be required by the federal government to be the employer of last resort. When employees are no longer needed, units of state and local government should not be required to keep them on and thereby create sinecure positions.

Comments on H.R. 6111

The National Conference is generally supportive of H.R. 6111. It makes a number of substantive and technical amendments which should improve the implementation of the Act. What follows are some specific comments on a few key provisions of H.R. 6111.

(1) The National Conference supports Section 2 (4). The additional word should clarify that the subsection deals with federal agencies and prohibits LEAA mandating state units of government to comply.

(2) The National Conference opposes Section 3 (4). We would prefer the current language of Section 222 (d). The "in kind" matching provision for the juvenile justice program should be preserved. At a time of severe state and local fiscal dislocation, it is counterproductive to increase financial burdens on state and local communities. However, we support the exception for private, non-profit organizations. Much of the money under the Act is to start up new private, non-profit operated programs in local communities. These programs will frequently be run by newly formed or resource poor charitable corporations which cannot provide match. The newly proposed Subsection (e) is not applicant if the present "in kind" is retained.

(3) We support Section 3 (5). The major amount of juvenile delinquency rehabilitation and prevention programs operate at the local level.

(4) The National Conference supports the intent of Section 3 (13), but would suggest that the better way to clarify this matter would be to strike the phrase "but must be placed in shelter facilities", ending the sentence after words "correctional facilities". This change provides the states with greater flexibility and eliminates any misunderstanding that placing a child in a statutorily undefined entity called a shelter facility is the only alternative to institutionalization. Moreover, if the words "shelter facilities" are used, LEAA must define the words later. Any such definition would run the danger of excluding some appropriate alternatives to institutionalization.

(5) The National Conference would add a section striking Sections 223 (a)(17) for the reasons set forth earlier.

(6) The National Conference opposes Section 3 (14). As indicated earlier, we would modify the deinstitutionalization requirement by pro-

viding the states five years to achieve the target, with annual benchmarks decided upon through negotiations between LEAA and the individual states.

(7) The National Conference would add a section that limited the special emphasis program to not more than 15 percent of the funds appropriated for Part B for the reasons set forth in the earlier discussion.

(8) The National Conference opposes Section 3 (24)(f). We support the present language of the Act. We believe that funds not required by a state or which become available following administrative action to terminate funding should be reallocated by Section 222 (b) as formula funds and not as special emphasis funds to those participating states which have shown an ability to utilize the funds.

(9) The National Conference opposes Section 5 (1) for the reasons explained supra. Rather, the National Conference calls for a two year authorization of $150 million per year.

(10) The National Conference opposes Section 5 (4) which would require the chairman and two other members of the advisory group to become members of the state supervisory board. While we support the purpose of the amendment to assure appropriate coordination of the two groups, we feel that it should be left to each state to work out the appropriate liaison relationship. We feel that the composition of the state supervisory boards should not be changed again as it has been by amendments in 1970, 1973, 1974 and 1976 to the Crime Control legislation. This change should have been required, if meritorious, during the reauthorization of the Crime Control Act in 1976. Because state supervisory boards are now required by the 1976 amendments to be established by statute, this amendment would require fifty-five jurisdictions to go to their legislatures to secure the change. This will create significant implementation problems in some states.

Comments on H.R. 6092

The National Conference is generally opposed to H.R. 6092. It makes numerous substantive and technical amendments which would make more complex the operation of the Juvenile Justice and Crime Control Acts. What follows are some specific comments on key provisions of H.R. 6092.

(1) The National Conference opposes Sections 2 (1), 2 (2), 2 (5), 2 (6), 2 (7), 2 (9), 2 (10), 2 (24), 3 (1), 3 (41), 3 (44) and any other sections which wrest control of the Juvenile Justice Act from the direction of the Administrator and vests it in the hands of the Assistant Administrator in charge of the Office of Juvenile Justice and Delinquency Prevention.

A major problem with the Office of Juvenile Justice and Delinquency Prevention has been that it has virtually been a separate agency within LEAA, over which the former LEAA Administrator exercised very little control. The Office has operated largely independent of the rest of LEAA in such areas as guidelines development, monitoring, financial management and program development. What is needed is far greater control and coordination by the Administrator over this entity running adrift.

Present Section 201 (d) of the Juvenile Justice Act indicates that all powers of the Assistant Administrator are subject to the direction of the Administrator. Throughout the Act authority is vested in the Administrator. Examples are Sections 202, 203, 204, 221, 223 (c) and (d), 224, 225, 226, 228, etc. In practice, the Administrator has failed to exercise that power, but delegated it to the Assistant Administrator.

Section 527 of the Crime Control Act permits the Assistant Administrator under the direction of the Administrator to coordinate juvenile justice activities. Some people have interpreted this section as giving final authority to the Assistant Administrator. Since this interpretation is problematic, perhaps Section 527 is better deleted than retained. In light of all the sections of the Juvenile Justice Act, it was never intended that the Assistant Administrator would ever have dictatorial powers.

Rather than deleting the power and authority vested in the Administrator as suggested by H.R. 6092, perhaps it should be increased by adding the words "and control" after the word "direction" and deleting Section 527 of the Crime Control Act.

H.R. 6092 would cause further separation and confusion at both the LEAA and state level. There would likely be two bureaucracies rather than one, with different administrative procedures, programmatic priorities and operating philosophies. At many points of operation, the criminal justice system is the same for adults and juveniles. The same crime prevention, police, courts resources and activities deal with juveniles and adults. It is artificial to conceive of the activities of these agencies as entirely separate. If the two LEAA programs are permitted to operate separately, one LEAA policy for adults could conflict with another LEAA policy for juveniles. We don't need a double-headed hydra.

Additional reasons for the National Conference's opposition to the bill concern sections 2 (3), 2 (4), 2 (5), 2 (7) and 2 (9) of H.R. 6092 which further add to the weight of bureaucracy by increasing the number and pay of high level executives. Section 2 (28) creates another grant making organization.

(2) The National Conference specifically opposes Sections 2 (9), which would add a Section 202 (f). This new section would grant the Assistant Administrator open ended powers, making the Assistant Administrator the "czar" of juvenile delinquency. As a result the formula grant program could become only an illusory block grant program since all effective power would rest with the Assistant Administrator.

(3) We oppose Section 3 (3) which would prohibit a state from increasing a grantee's matching share over a period of time, leading to a full assumption of cost at the end of an appropriate period.

(4) The National Conference opposes Section 3 (4) which would require 10 percent of the formula grant to be allotted to the state advisory group and Section 3 (8). It makes no sense to fragment the fund administration and increase the number of decision-making bodies. Either the state supervisory board is the appropriate decision-maker, or it is not. An advisory group with grant-making authority is no longer advisory. Why increase the administrative costs of the program?

(5) The National Conference opposes Sections 3 (6) and 3 (7) changing the requirements for the advisory groups. Constant changes in direction in composition requirements only lead to increased frustration, changing group dynamics and upheaval. The new people called for by Sections 3 (6) and 3 (7) can already be members of the advisory groups. However, by making these new requirements, changes will occur in most advisory groups; and a period of reeducation will have to occur before effective action can be undertaken.

(6) The National Conference opposes Sections 3 (20), 3 (21), 3 (22), 3 (23) and 3 (28). Rather than lessening the requirements for

deinstitutionalization of status offenders, these sections increase the burdens and harshen the sanctions. As a result, the number of states that opt to continue participation in the program can be expected to decrease dramatically.

(7) Section 3 (29) is opposed. Funds not applied for should be reallocated as formula funds to participating states.

(8) The National Conference opposes Section 5 (1). We believe that a two year authorization of $150 million per year is advisable.

In summary, the National Conference can find little good to say about H.R. 6092. It makes a few technical improvements which are the same or similar to H.R. 6111. However, the vast majority of provisions, if enacted, will cause maladministration and non-participation. Because of the plethora of changes recommended, many provisions were not commented upon as they could be.

Mr. Chairman, you have heard from a representative of counties advocating federal incentives for state subsidies to local units of government. We, like the National Conference of State Legislatures, oppose this proposal. The objection is that the program would use a portion of federal funds to reward or penalize states which provide their own general fund subsidies to local government. Because of varying financial conditions among the states, some states may be able to subsidize local prevention and correctional programs while other states have insufficient revenues to provide subsidies. We find it abhorrent that the federal government should be asked to mandate state governments be required to subsidize local government. It is our feeling that units of local government should present their cases to the state legislatures and seek state funds directly without relying on the federal government to mandate state action.

Mr. Chairman, the National Conference appreciates the opportunity you have provided to us to make our views known.

Attached for your information is a copy of the National Conference's proposed amendments.

Proposed Amendments

(1) Amend Section 204 (f) to read: "The Administrator may require, through appropriate authority, Federal departments and agencies ..." (additional word underlined).

(2) Amend Section 223 (a) by substituting the word "develop" for the word "implement".

(3) Modify Section 223 (a)(12) to indicate that deinstitutionalization should be achieved within 5 years, with reasonable annual benchmarks agreed upon by LEAA and the state planning agency. Delete the phrase "but must be placed in shelter facilities".

(4) Delete Section 223 (a)(17).

(5) Amend Section 224 (b) to read "not more than 15 percentum of the funds appropriated ..." (change underlined).

(6) Amend Section 261 (a) to provide for a two year authorization at $150 million per year.

Mr. ANDREWS. If there are no other questions, we have a vote on the House floor again, so I guess we will just recess until 2 o'clock.

Is Mr. Payne here?

Mr. PAYNE. Yes.

Mr. ANDREWS. I hate to start us off late; by late I mean having something left over from the morning, but I don't know anything else to do. Would it be convenient for you to come back?

Mr. PAYNE. I have to take a plane back this afternoon to my home State and would be unable to testify. I understand your problem but I will be unable to stay.

Mr. ANDREWS. Congressman Corrada does not have to vote, so he will stay and hear you. I will go vote and then come back.

Mr. CORRADA [presiding]. All right, Mr. Payne, you may proceed. We have your written testimony, of course, and if you would care to summarize, it, then we could ask you some questions.

Please go ahead.

STATEMENT OF DONALD PAYNE, DIRECTOR OF THE BOARD OF CHOSEN FREEHOLDERS, ESSEX COUNTY, N.J.

Mr. PAYNE. Thank you very much, I appreciate the opportunity to address your committee and appreciate your taking this time to conform with my schedule.

I am the director of the Board of Chosen Freeholders, Essex County, N.J., past president of the national board of YMCA's, and chairman of the National Association of Counties Policy Subcommittee on Juvenile Justice. I am here today to present testimony with respect to H.R. 6111, the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

I would just like to state that we supported the act in 1974 when it was first enacted and we strongly support the reenactment of this act.

Just quickly, because of the time, and I shall try to make it as brief as possible, I will try to deal with the major section of our interest in the act which deals with a substantive program for the current Juvenile Justice Act.

As mentioned in my statement, many States have been unable to participate in the program because they have been unable to conform with the provisions of the act so far as deinstitutionalization of the status offender and the separation of youthful offenders from adult offenders and we feel that the amendment that we are offering to the act would assist North Carolina and other States in qualifying and thereby being able to participate in the act.

I will just read very quickly that segment of our plan.

The need for programs to deinstitutionalize status offenders from secure detention and to separate juveniles from adults in traditional correctional facilities has been well documented. The recent study of the Children's Defense Fund outlining in sometimes graphic and painful terms what happens to youngsters placed in adult jails points to national disgrace. The recidivism rates are but a dramatic manifestation of this dilemma. What then can we do?

We, the National Association of Counties, think a major part of the answer lies within the provisions of the Juvenile Justice Act, but for lack of notice, emphasis, or funding, has been insufficiently recognized up to this point. We call your attention to the State subsidy programs outlined in section 223(10)(H) of the act.

Mr. Chairman, we suggest today that State subsidy programs, given proper legislative emphasis and adequate funding, could be useful and highly successful tools in achieving the results desired in section 223(12) and (13) and thereby open the door to more States participating in the act. State subsidy programs of one kind or another currently exist in at least 17 States and given us reason to think they may be effective in this instance.

State subsidy programs have a number of attributes deserving of attention. Once instituted, they tend to become long-term programs. They intimately involve not just the States but the myriad of local public and private agencies concerned with juveniles in a program in which they have a direct interest. We no longer will have just another Federal program with Federal dollars to be used while they last on short-term endeavors. State subsidy programs often require substantial commitment by local Government commitment likely to engender serious efforts. We feel that that will give them additional funds, but they will be committed to seeing that the funds are utilized properly.

Consequently, State subsidy programs encourage partnerships between the public and private sectors and intergovernment cooperation. They encourage long-term planning and coordination not only of governmental resources and programs but of those substantial efforts sponsored and managed by nonprofit private organizations which in many communities provide the bulk of the services directed toward juveniles.

This afternoon Chris Mould and the others from the private sector will outline that.

We believe that if State subsidies did no more than encourage coordination, cooperation and planning they could be defended on this basis alone.

State subsidy programs are versatile and can be used to encourage a wide variety of specific goals. States currently utilizing subsidy programs use them to finance (*a*) community alternatives to incarceration, (*b*) approaches to youth development and delinquency prevention, (*c*) diversion programs and (*d*) coordinated youth services at the county level.

We have included some descriptions of how subsidy programs work as an addendum to this testimony for your information.

Mr. Chairman, the National Association of Counties respectfully urges that Congress give serious consideration to establishing a new title to the Juvenile Justice and Delinquency Prevention Act: One that would provide for an independently funded program of State subsidies which would (*a*) reduce the number of commitments to any form of juvenile facility, (*b*) increase the use of nonsecure community based facilities, (*c*) reduce the use of incarceration and detention of juveniles, and (*d*) encourage the development of an organizational and planning capacity to coordinate youth development and delinquency prevention services.

We urge that the title be funded separately to infuse new and needed funds directly into programs encouraging deinstitutionalization and the care of children deinstitutionalized or diverted from institutions. Such an effort would illustrate to State governments that the Federal Government considers deinstitutionalization of sufficient importance to warrant a special fiscal and legislative effort by the Congress, and implicitly, by State and local governments as well.

We have included specific draft language and an addendum to this testimony which while requiring a great deal of work by legislative draftsmen, nevertheless will give you some sense as to our intentions. Features of the proposed program include:

Incentives to State governments to form subsidy programs for units of general purpose local governments to encourage deinstitutionalization and encourage organizational and planning capacities to coordinate youth development and delinquency prevention services;

Fiscal assistance to the States in the form of grants based upon the State's under 18 population;

Requirements that the State provide a 10 percent match and that the State in turn may require a 10 percent match from participating local governments;

Provisions that subsidies may be distributed among individual units of local general purpose governments in those States not choosing to participate, in the subsidy title providing proper application be made;

Submission of a plan by the States to LEAA for implementation of the subsidy program;

Provisions that allow funds to go to States with existing subsidy programs to either expand those programs or begin new programs consistent with the purposes of the new title;

Prohibitions against the use of Federal moneys in States already having subsidy programs to replace existing funding;

Requirements that private nonprofit agencies be prime participants in subsidy programs through contracts with local governments;

Authorizations for the next 3 years of $50, $75 and $100 million respectively.

Significantly, the concepts we have outlined have been developed in cooperation with such organizations as the National League of Cities, the National Council on Crime and Delinquency and the National Youth Alternatives Project.

We would like for you to consider this and we feel some of the problems stated previously by former witnesses and also I agree that other homeless youths should also have an opportunity to participate in the Runaway Childrens Act because it is our feeling, too, that we could deal with more prevention and I personally feel that at some other time we really need to take a serious look at the whole prevention part of this act.

I think the act should be funded, as we said, but there needs to be a totally different look at a comprehensive plan on juvenile delinquency in our country.

Mr. Corrada. Addendum A and B attached to the testimony of Mr. Payne shall be admitted and made part of the record together with his testimony.

[The formal statement and attachments of Mr. Payne follow:]

STATEMENT by

THE NATIONAL ASSOCIATION OF COUNTIES
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STATEMENT OF DONALD PAYNE

DIRECTOR, BOARD OF CHOSEN FREEHOLDERS, ESSEX COUNTY

ON BEHALF

THE NATIONAL ASSOCIATION OF COUNTIES

ON

THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT (H.R. 6111)

BEFORE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

APRIL 22, 1977

WASHINGTON, D.C.

STATEMENT OF DONALD PAYNE, DIRECTOR, BOARD OF CHOSEN FREEHOLDERS, ESSEX COUNTY, NEW JERSEY, REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES BEFORE THE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES APRIL 22, 1977.

MR. CHAIRMAN, I AM DONALD PAYNE, DIRECTOR, BOARD OF CHOSEN FREEHOLDERS, copy ESSEX COUNTY, NEW JERSEY, PAST PRESIDENT OF THE NATIONAL BOARD OF Y.M.C.A.'S, AND CHAIRMAN OF THE NATIONAL ASSOCIATION OF COUNTIES* POLICY SUBCOMMITTEE ON JUVENILE JUSTICE. I AM HERE TODAY TO PRESENT TESTIMONY WITH RESPECT TO H.R. 6111, THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974. ①

THE NATIONAL ASSOCIATION OF COUNTIES WAS AN EARLY SUPPORTER OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT. WE SUPPORTED IT WHEN IT WAS FIRST INTRODUCED FOR MUCH THE SAME REASONS WE SUPPORT ITS REAUTHORIZATION TODAY. THE ACT OFFERS THE SINGLE MOST PROMISING FEDERAL COMMITMENT TO OUR NATIONAL EFFORT TO SALVAGE THOUSANDS OF OUR YOUNGEST CITIZENS FROM THE RAVAGES OF A DETERIORATING SYSTEM OF JUVENILE JUSTICE: A SYSTEM THAT INCARCERATES YOUNG PEOPLE FOR STATUS OFFENSES, A SYSTEM THAT JAILS YOUNGSTERS WITH ADULT CRIMINALS: A SYSTEM WHICH OFTEN DENIES CHILDREN BASIC HUMAN RIGHTS.

THE ACT ITSELF ADDRESSES THESE ISSUES IN A NUMBER OF WAYS. MOST IMPORTANTLY, IT PROVIDES SUBSTANTIAL FOCUS ON PREVENTION, ON KEEPING CHILDREN FROM EVEN ENTERING THE JUVENILE JUSTICE SYSTEM THAT HAS PROVEN TO BE SO HARMFUL TO THEIR DEVELOPING INTO RESPONSIBLE MEMBERS OF SOCIETY.

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* The National Association of Counties is the only national organization representing county government in the United States. Through its membership, urban, suburban and rural counties join together to build effective, responsive county government.

The goals of the organization are to:
- improve county governments;
- serve as the national spokesman for county governments;
- act as a liaison between the nation's counties and other levels of government;
- achieve public understanding of the role of counties in the federal system.

AT THE LAST ANNUAL CONVENTION OF OUR ASSOCIATION, OUR MEMBERS ADOPTED A NEW, AND WE THINK, PROGRESSIVE JUVENILE JUSTICE AND DELINQUENCY PREVENTION PLATFORM. OUR POLICIES REFLECT A GROWING AWARENESS ON THE PART OF THE NATION'S COUNTIES THAT THE JUVENILE JUSTICE SYSTEM IN OUR COUNTRY IS DESPARATELY IN NEED OF REFORM AND THAT COUNTY GOVERNMENT HAS BOTH A RESPONSIBILITY AND AN OPPORTUNTIY TO HELP AFFECT THAT REFORM. IN SOME RESPECTS, I BELIEVE OUR POLICIES ARE EVEN MORE PROGRESSIVE THAN IS THE ACT WE ARE HERE TO TALK ABOUT TODAY. OUR POLICIES CALL FOR THE COMPLETE REMOVAL OF STATUS OFFENDERS FROM THE JURISDICTION OF THE JUVENILE COURT, A PROGRAM OF STATE SUBSIDIES, ABOUT WHICH I WILL SPEAK IN A MOMENT, AND A CALL TO COUNTIES TO ACTIVELY DEVELOP ORGANIZATIONAL AND PLANNING CAPACITIES FOR THE COORDINATION AND REGULATION OF YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION SERVICES IN THE COMMUNITY.

MR. CHAIRMAN, MUCH OF THE DEBATE THAT HAS TAKEN PLACE WITH RESPECT TO THIS LAW HAS REVOLVED AROUND TWO HIGHLY CONTROVERSIAL PROVISIONS: PROVISIONS WHICH ARE GIVEN MUCH OF THE BLAME FOR A NUMBER OF STATES NOT HAVING PARTICIPATED IN THE ACT. THESE PROVISIONS ARE SECTION 223(12) AND (13) WHICH MANDATE THAT STATUS OFFENDERS MUST BE PLACED IN SHELTER FACILITIES RATHER THAN DETENTION OR CORRECTIONAL FACILITIES, AND THE COMPLETE SEPARATION OF JUVENILE AND ADULT OFFENDERS WITHIN SECURE INSTITUTIONS. WE ARE PLEASED TO NOTE THAT ONE OF THE PROPOSED AMENDMENTS, IF ADOPTED, WILL IMPROVE SECTION 223(12) BY MAKING THE USE OF SHELTER FACILITIES OPTIONAL RATHER THAN MANDATORY.

THIS PROPOSED AMENDMENT RECOGNIZES THAT THERE ARE WORTHWHILE ALTERNATIVES FOR STATUS OFFENDERS OTHER THAN SHELTER FACILITIES. CERTAINLY, PLACING THE CHILD SAFELY IN THE HOME WOULD HAVE TO BE ASSIGNED TO THE HIGHEST PREFERENCE.

ANOTHER PROPOSED AMENDMENT WOULD EXTEND THE TIME LIMIT TO FIVE YEARS FOR DEINSTITUTIONALIZING STATUS OFFENDERS-- PROVIDED A STATE WAS IN "SUBSTANTIAL COMPLIANCE" AFTER TWO YEARS. SUBSTANTIAL COMPLIANCE IS DEFINED AS 75% DEINSTITUTIONALIZATION. WE BELIEVE THAT TO DEMAND A BLANKET 75% COMPLIANCE FOR EACH STATE WITHIN TWO YEARS WITHOUT REGARD FOR THEIR DIFFERING RESOURCES IS UNREALISTIC, PARTICULARLY IN LIGHT OF THE HISTORY OF APPROPRIATIONS FOR THIS ACT.

THESE CHANGES ASIDE, IT IS ADMITTED THAT IN SOME INSTANCES THERE IS OUTRIGHT PHILOSOPHIC OPPOSITION TO THE CONCEPTS PUT FORTH IN THESE TWO PARAGRAPHS, BUT MORE COMMONLY, THE DOLLAR COSTS OF COMPLIANCE ARE SO PROHIBITIVE THAT SOME STATES HAVE CHOSEN NOT TO PARTICIPATE IN PROGRAMS SPONSORED BY THE ACT. THIS IS AN EXTREMELY SAD COMMENTARY CONSIDERING WHAT WE KNOW ABOUT THE CONDITIONS THESE SECTIONS SEEK TO REMEDY. THE SITUATION THE ACT ADDRESSES IS NOT SIMPLY THAT OF THE YOUNGSTER ALREADY IN JAIL OR DETENTION BUT OF THE YOUNGSTER WHO MAY WELL END UP IN JAIL IF THE COMMUNITY FAILS TO PROVIDE COMMUNITY BASED SERVICES DESIGNED TO PREVENT JUVENILE DELINQUENCY.

THE DILEMMA FOR MANY COMMUNITIES IS THAT SERVICES FOR YOUNGSTERS ARE INTERTWINED WITH THE JUVENILE JUSTICE SYSTEM. A CHILD MUST TOO OFTEN PENETRATE THE SYSTEM BEFORE HE CAN RECEIVE HELP. IN MY STATE OF NEW JERSEY WE ALREADY HAVE A LAW REQUIRING THE PHYSICAL SEPARATION OF STATUS OFFENDERS FROM DELINQUENT CHILDREN. STATUS OFFENDERS MUST BE HOUSED SEPARATELY IN A NON-SECURE SHELTER FACILITY.

THE PROBLEM HOWEVER, IS THAT WE DO NOT HAVE A SYSTEM IN PLACE TO PREVENT A CHILD FROM GOING TO SHELTER IN THE FIRST INSTANCE. ONLY 3 COUNTIES IN OUR STATE OUT OF 21 HAVE A YOUTH SERVICE BUREAU: ONLY 35 MUNICIPALITIES OUT OF 600 HAVE YOUTH SERVICE BUREAUS. WE CLEARLY NEED A GRASSROOTS NETWORK OF ORGANIZATIONS TO COORDINATE YOUTH SERVICES AND TO DIRECT YOUNGSTERS AND THEIR FAMILIES TO

NEEDED SERVICES - PRIOR TO ANY CONTACT WITH THE SYSTEM.

THE NATIONAL ASSOCIATION OF COUNTIES STRONGLY SUPPORTS THE CONCEPTS ARTICULATED IN SECTION 223(12) AS PER THE PROPOSED AMENDMENT AND (13), BUT THE FACT REMAINS THAT THESE PARAGRAPHS, WHILE CORRECTLY IDENTIFYING GOALS, DO NOT POINT TO A REALISTIC FINANCIAL STRATEGY BY WHICH THOSE GOALS MAY BE ACHIEVED. THE FACT REMAINS THAT IN STATES AND COMMUNITIES THAT DO NOT ALREADY HAVE COMMUNITY BASED PROGRAMS AND SHELTER FACILITIES TO DIVERT STATUS OFFENDERS FROM THE JUVENILE JUSTICE SYSTEM, OR WHICH DO NOT HAVE SEPARATE FACILITIES FOR THOSE ALREADY INCARCERATED, OR WHO MAY BE INCARCERATED IN THE FUTURE, THE ACT OFFERS LITTLE FINANCIAL HOPE FOR ACHIEVING COMPLIANCE.

THE REASONS ARE SIMPLE: IN FISCAL 1977, $75 MILLION DOLLARS WERE APPROPRIATED FOR FINANCING ALL OF THE PROGRAMS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT. ONLY PART OF THAT MONEY WAS DIRECTLY AVAILABLE FOR USE BY LOCAL GOVERNMENTS. OF THAT WHICH WAS AVAILABLE, PROGRAMS SEEKING ALTERNATIVES TO INCARCERATION FOR STATUS OFFENDERS OR FOR PROVIDING SEPARATE FACILITIES FOR THOSE WHO HAVE BEEN INCARCERATED, HAD TO COMPETE WITH A MYRIAD OF OTHER WORTHWHILE ENDEAVORS FOR SCARCE RESOURCES. THE RESULT WAS THAT MANY COUNTIES WITHOUT WELL DEVELOPED PROGRAMS OR RESOURCES WERE NOT ABLE TO COME UP WITH THE SUBSTANTIAL INVESTMENTS REQUIRED TO COMPLY WITH SECTION 223(12) AND (13).

I WANT TO EMPHASIZE AGAIN THAT WE THINK THERE IS IMPLICIT IN SECTION 223(12) AND (13) AN OBLIGATION ON THE PART OF THE COMMUNITIES ATTEMPTING TO COMPLY WITH THESE SECTIONS, THAT THERE BE ESTABLISHED WITHIN THOSE COMMUNITIES ORGANIZATIONAL AND PLANNING CAPACITIES TO COORDINATE YOUTH DEVELOPMENT AND DELINQUENCY SERVICES. IT SEEMS TO US TO MAKE LITTLE SENSE TO MAKE INDIVIDUAL REFORMS FOR CHILDREN ALREADY IN TROUBLE IF WE DO NOT SOMEHOW ADDRESS PREVENTIVE PROGRAMS IN A SERIOUS MANNER OR IF SERVICES FOR TROUBLED CHILDREN ARE NOT PROPERLY

PROVIDED. TO ACCOMPLISH THIS, WE MUST INSURE THAT WE HAVE AGENCIES AND VOLUNTARY SERVICES IN PLACE THAT ARE CAPABLE OF MEETING THE NEEDS OF YOUNG PEOPLE PRIOR TO ANY CONTACT WITH THE JUVENILE JUSTICE SYSTEM.

[illegible] THE NEED FOR PROGRAMS TO DEINSTITUTIONALIZE STATUS OFFENDERS FROM SECURE DETENTION AND TO SEPARATE JUVENILES FROM ADULTS IN TRADITIONAL CORRECTIONAL FACILITIES HAS BEEN WELL DOCUMENTED. THE RECENT STUDY OF THE CHILDRENS DEFENSE FUND OUTLINING IN SOMETIMES GRAPHIC AND PAINFUL TERMS WHAT HAPPENS TO YOUNGSTERS PLACED IN ADULT JAILS POINTS TO A NATIONAL DISGRACE. THE RECIDIVISM RATES ARE BUT A DRAMATIC MANIFESTATION OF THIS DILEMMA. WHAT THEN CAN WE DO?

The Nat'l assoc. of Counties.

WE THINK A MAJOR PART OF THE ANSWER LIES WITHIN THE PROVISIONS OF THE JUVENILE JUSTICE ACT, BUT FOR LACK OF NOTICE, EMPHASIS, OR FUNDING, HAS BEEN INSUFFICIENTLY RECOGNIZED UP TO THIS POINT. WE CALL YOUR ATTENTION TO THE STATE SUBSIDY PROGRAMS OUTLINED IN SECTION 223(10) (H) OF THE ACT.

MR. CHAIRMAN, WE SUGGEST TODAY THAT STATE SUBSIDY PROGRAMS, GIVEN PROPER LEGISLATIVE EMPHASIS AND ADEQUATE FUNDING, COULD BE USEFUL AND HIGHLY SUCCESSFUL TOOLS IN ACHIEVING THE RESULTS DESIRED IN SECTION 223(12) AND (13) AND THEREBY OPEN THE DOOR TO MORE STATES PARTICIPATING IN THE ACT. STATE SUBSIDY PROGRAMS OF ONE KIND OR ANOTHER CURRENTLY EXIST IN AT LEAST SEVENTEEN STATES AND GIVE US REASON TO THINK THEY MAY BE EFFECTIVE IN THIS INSTANCE.

STATE SUBSIDY PROGRAMS HAVE A NUMBER OF ATTRIBUTES DESERVING OF ATTENTION. ONCE INSTITUTED, THEY TEND TO BECOME LONG TERM PROGRAMS. THEY INTIMATELY INVOLVE NOT JUST THE STATES BUT THE MYRIAD OF LOCAL PUBLIC AND PRIVATE AGENCIES CONCERNED WITH JUVENILES IN A PROGRAM IN WHICH THEY HAVE A DIRECT INTEREST. WE NO LONGER WILL

HAVE JUST ANOTHER FEDERAL PROGRAM WITH FEDERAL DOLLARS TO BE USED WHILE THEY LAST ON SHORT TERM ENDEAVORS. STATE SUBSIDY PROGRAMS OFTEN REQUIRE SUBSTANTIAL COMMITMENT BY LOCAL GOVERNMENT-COMMITMENT LIKELY TO ENGENDER SERIOUS EFFORTS. ①

CONSEQUENTLY, STATE SUBSIDY PROGRAMS ENCOURAGE PARTNERSHIPS BETWEEN THE PUBLIC AND PRIVATE SECTORS AND INTERGOVERNMENTAL COOPERATION. THEY ENCOURAGE LONG TERM PLANNING AND COORDINATION NOT ONLY OF GOVERNMENTAL RESOURCES AND PROGRAMS BUT OF THOSE SUBSTANTIAL EFFORTS SPONSORED AND MANAGED BY NON-PROFIT PRIVATE ORGANIZATIONS WHICH IN MANY COMMUNITIES PROVIDE THE BULK OF THE SERVICES DIRECTED TOWARD JUVENILES. ② WE BELIEVE THAT IF STATE SUBSIDIES DID NO MORE THAN ENCOURAGE COORDINATION, COOPERATION, AND PLANNING, THEY COULD BE DEFENDED ON THIS BASIS ALONE.

STATE SUBSIDY PROGRAMS ARE VERSATILE AND CAN BE USED TO ENCOURAGE A WIDE VARIETY OF SPECIFIC GOALS. STATES CURRENTLY UTILIZING SUBSIDY PROGRAMS USE THEM TO FINANCE (a) COMMUNITY ALTERNATIVES TO INCARCERATION, (b) APPROACHES TO YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION, (c) DIVERSION PROGRAMS AND (d) COORDINATED YOUTH SERVICES AT THE COUNTY LEVEL.

WE HAVE INCLUDED SOME DESCRIPTIONS OF HOW SUBSIDY PROGRAMS WORK AS AN ADDENDUM TO THIS TESTIMONY FOR YOUR INFORMATION.

MR. CHAIRMAN, THE NATIONAL ASSOCIATION OF COUNTIES RESPECTFULLY URGES THAT CONGRESS GIVE SERIOUS CONSIDERATION TO ESTABLISHING A NEW TITLE TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT: ONE THAT WOULD PROVIDE FOR AN INDEPENDENTLY FUNDED PROGRAM OF STATE SUBSIDIES WHICH WOULD (a) REDUCE THE NUMBER OF COMMITMENTS TO ANY FORM OF JUVENILE FACILITY, (b) INCREASE THE USE OF NON-SECURE COMMUNITY BASED FACILITIES, (c) REDUCE THE USE OF INCARCERATION AND DETENTION OF JUVENILES, (d) ENCOURAGE THE DEVELOPMENT OF AN ORGANIZATIONAL

AND PLANNING CAPACITY TO COORDINATE YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION SERVICES.

WE URGE THAT THE TITLE BE FUNDED SEPARATELY TO INFUSE NEW AND NEEDED FUNDS DIRECTLY INTO PROGRAMS ENCOURAGING DEINSTITUTIONALIZATION AND THE CARE OF CHILDREN DEINSTITUTIONALIZED OR DIVERTED FROM INSTITUTIONS. SUCH AN EFFORT WOULD ILLUSTRATE TO STATE GOVERNMENTS THAT THE FEDERAL GOVERNMENT CONSIDERS DEINSTITUTIONALIZATION OF SUFFICIENT IMPORTANCE TO WARRANT A SPECIAL FISCAL AND LEGISLATIVE EFFORT BY THE CONGRESS, AND IMPLICITLY, BY STATE AND LOCAL GOVERNMENTS AS WELL.

WE HAVE INCLUDED SPECIFIC DRAFT LANGUAGE AN AN ADDENDUM TO THIS TESTIMONY WHICH WHILE REQUIRING A GREAT DEAL OF WORK BY LEGISLATIVE DRAFTSMEN, NEVERTHELESS WILL GIVE YOU SOME SENSE AS TO OUR INTENTIONS. FEATURES OF THE PROPOSED PROGRAM INCLUDE:

- INCENTIVES TO STATE GOVERNMENTS TO FORM SUBSIDY PROGRAMS FOR UNITS OF GENERAL PURPOSE LOCAL GOVERNMENTS TO ENCOURAGE DEINSTITUTIONALIZATION AND ENCOURAGE ORGANIZATIONAL AND PLANNING CAPACITIES TO COORDINATE YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION SERVICES,
- FISCAL ASSISTANCE TO THE STATES IN THE FORM OF GRANTS BASED UPON THE STATE'S UNDER 18 POPULATION,
- REQUIREMENTS THAT THE STATE PROVIDE A 10% MATCH AND THAT THE STATE IN TURN MAY REQUIRE A 10% MATCH FROM PARTICIPATING LOCAL GOVERNMENTS,
- PROVISIONS THAT SUBSIDIES MAY BE DISTRIBUTED AMONG INDIVIDUAL UNITS OF LOCAL GENERAL PURPOSE GOVERNMENTS IN THOSE STATES NOT CHOOSING TO PARTICIPATE, IN THE SUBSIDY TITLE PROVIDING PROPER APPLICATION IS MADE,

- SUBMISSION OF A PLAN BY THE STATES TO LEAA FOR IMPLEMENTATION OF THE SUBSIDY PROGRAM,
- PROVISIONS THAT ALLOW FUNDS TO GO TO STATES WITH EXISTING SUBSIDY PROGRAMS TO EITHER EXPAND THOSE PROGRAMS OR BEGIN NEW PROGRAMS CONSISTENT WITH THE PURPOSES OF THE NEW TITLE,
- PROHIBITIONS AGAINST THE USE OF FEDERAL MONIES IN STATES ALREADY HAVING SUBSIDY PROGRAMS TO REPLACE EXISTING FUNDING,
- REQUIREMENTS THAT PRIVATE NON PROFIT AGENCIES BE PRIME PARTICIPANTS IN SUBSIDY PROGRAMS THROUGH CONTRACTS WITH LOCAL GOVERNMENTS,
- AUTHORIZATIONS FOR THE NEXT THREE YEARS OF $50, $75 AND $100 MILLION RESPECTIVELY.

SIGNIFICANTLY, THE CONCEPTS WE HAVE OUTLINED, HAVE BEEN DEVELOPED IN COOPERATION WITH SUCH ORGANIZATIONS AS THE NATIONAL LEAGUE OF CITIES, THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY AND THE NATIONAL YOUTH ALTERNATIVES PROJECT. ③

MR. CHAIRMAN, WE HAVE CAREFULLY REVIEWED THE PROPOSED AMENDMENTS TO THE ACT INCORPORATED IN H.R. 6111 AND FIND THAT WE ARE IN SUBSTANTIAL AGREEMENT WITH MOST OF THEM. THE AUTHORITY OF THE ASSISTANT ADMINISTRATOR FOR JUVENILE JUSTICE DOES INDEED NEED TO BE STRENGTHENED AND MORE SPECIFICALLY DEFINED IN ORDER TO BETTER FULFILL THE INTENTIONS OF THE CONGRESS IN CREATING THAT POSITION, AND WE ARE PLEASED TO SEE SUBSTANTIAL LANGUAGE TO THIS END. WE ARE ALL AWARE OF THE DIFFICULTIES THAT AN ABSENCE OF SUCH AN EMPHASIS HAS HAD IN THE PAST.

EFFORTS TO EXTEND THE ACT FOR AN ADDITIONAL FIVE YEARS IS CERTAINLY IN

ORDER. OUR PROBLEMS ARE NOT GOING TO DISAPPEAR OVER NIGHT AND A SUBSTANTIAL COMMITMENT BY THE FEDERAL GOVERNMENT WILL BOTH INCREASE CONFIDENCE IN THE ENDURANCE OF THE PROGRAM AND PROVIDE THE BASIS FOR MUCH NEEDED LONG TERM PLANNING.

WE BELIEVE THE AUTHORIZATION LEVELS SET FORTH IN THE BILL FURTHER INDICATE THE CONGRESS' COMMITMENT TO HELPING SOLVE THE PROBLEMS INHERENT IN OUR JUVENILE JUSTICE SYSTEM AND REPRESENT REALISTIC LEVELS OF DOLLARS THAT CAN BE WISELY SPENT. IN OUR TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE LAST WEEK WE CALLED FOR FULL FUNDING OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, USING THE AUTHORIZATION FIGURES OF H.R. 6111 AS A BASIS. NEXT WEEK WE INTEND TO DO THE SAME BEFORE THE SENATE APPROPRIATIONS COMMITTEE.

NACo CONTINUES TO SUPPORT THE PREFERENCE FOR THE ALLOCATION OF UNUSED FORMULA GRANT MONIES FOR SPECIAL EMPHASIS GRANTS IN THOSE STATES THAT HAVE CHOSEN NOT TO PARTICIPATE IN THE PROGRAMS SPONSORED BY THE ACT. WE DO NOT BELIEVE THAT STATES AND THEIR LOCAL GOVERNMENTS THAT CHOOSE NOT TO PARTICIPATE BECAUSE THEY ARE NOT ABLE TO COMPLY WITH CERTAIN PORTIONS OF THE ACT SHOULD BE PENALIZED BY NOT RECEIVING FUNDS FOR WORTHY PROJECTS. SHOULD THEY BE, IT WOULD BE THE JUVENILES IN THOSE STATES WHO WOULD BE MOST AFFECTED, NOT THE ELECTED OFFICIALS WHO CAN NOT OR WILL NOT COMPLY WITH THE ACT.

NEW PROVISIONS WHICH WOULD ALLOW UP TO 100% OF A STATES FORMULA FUNDS TO BE USED AS MATCHES FOR OTHER FEDERAL JUVENILE DELINQUENCY PROGRAMS ARE ALSO WELCOME. STATE AND LOCAL GOVERNMENTS CONTINUE TO SUFFER THE EFFECTS OF THE RECESSION AND WILL LONG AFTER THE PRIVATE ECONOMY HAS RECOVERED. THIS PROVISION WILL ALLOW GREATER FLEXIBILITY AND ENCOURAGE BETTER FUNDED JUVENILE JUSTICE PROGRAMS.

DESPITE THE MANY IMPROVEMENTS IN THE ACT, ONLY A FEW OF WHICH WE HAVE COMMENTED UPON, THERE ARE STILL AREAS DESERVING OF ADDITIONAL CONGRESSIONAL ATTENTION. FOR EXAMPLE, PROVISION HAS NOT BEEN MADE FOR THE REPRESENTATION OF EITHER STATE OR LOCAL ELECTED OFFICIALS OTHER THAN JUDGES ON THE NATIONAL ADVISORY COMMITTEE. WE THINK THIS OMISSION CRUCIAL IN LIGHT OF THE ROLE ELECTED OFFICIALS PLAY IN OUR JUVENILE JUSTICE SYSTEM. THEIR PARTICIPATION WOULD LEND CREDIBILITY AND EMPHASIS TO RECOMMENDATIONS MADE BY THE COMMITTEE AND WOULD HELP ENSURE THAT THE COMMITTEES RECOMMENDATIONS WERE CAREFULLY CONSIDERED BY LEAA. WE BELIEVE THE NEW REQUIREMENT THAT SOME MEMBERS OF THE COMMITTEE HAVE EXPERIENCE IN THE JUVENILE JUSTICE SYSTEM IS A STEP IN THE RIGHT DIRECTION, BUT WHY NOT GO ONE STEP FURTHER AND PROVIDE FOR THOSE WITH BROAD GOVERNMENTAL EXPERIENCE PARTICIPATE AS WELL.

WE ALSO NOTE, IN THE SAME VEIN, THAT PROVISION HAS NOT BEEN MADE FOR THE REPRESENTATION OF LOCAL ELECTED OFFICIALS ON THE STAT PLANNING AGENCY ADVISORY GROUP. WE THINK THE STATE PLANNING AGENCY IS THUS DENIED A VALUABLE SOURCE OF EXPERIENCE AND SUBSEQUENTLY SUPPORT FOR ITS EFFORTS. IT SEEMS LOGICAL TO US THE THE ENTIRE JUVENILE JUSTICE COMMUNITY BE SURVEYED WITH RESPECT TO STATE PLANS AND THAT WITHOUT LOCAL ELECTED OFFICIALS AND IMPORTANT SEGMENT OF THAT COMMUNITY IS IGNORED.

WE WOULD ALSO RECOMMEND CHANGES IN THOSE PROVISIONS THAT PROVIDE FOR PLANNING MONIES. REPORTS HAVE BEEN RECEIVED THAT PLANNING MONIES HAVE NOT BEEN PASSED THROUGH TO LOCAL GOVERNMENTS IN SOME STATES. WE BELIEVE THERE SHOULD BE A MANDATORY PASS THROUGH OF THESE PLANNING FUNDS JUST AS THERE IS FOR FORMULA

ALLOCATIONS. PLANNING IS EVERY BIT AS IMPORTANT AT THE LOCAL LEVEL AS IT IS AT THE STATE LEVEL. IF THERE ARE NO PLANNING MONIES, PROGRAMS ARE IMPLEMENTED WITHOUT ADEQUATE COORDINATION OR EVALUATION. DOLLARS FOR JUVENILE JUSTICE PROGRAMS ARE SCARCE. WE CAN ILL AFFORD NOT TO USE THEM WISELY. SHORTCHANGING LOCAL GOVERNMENTS IN PLANNING, RESEARCH AND EVALUATION MONIES IS INCONSISTENT WITH THE PURPOSES OF THE ACT.

FURTHERMORE, WE STRONGLY URGE INCREASING THE OVERALL AMOUNTS OF PLANNING FUNDS TO REGIONAL PLANNING AGENCIES AND UNITS OF LOCAL GOVERNMENT. THE 15% CURRENTLY PROVIDED, EVEN WHEN IT REACHES THE LOCAL LEVEL, IS NOT SUFFICIENT TO MEET PLANNING NEEDS.

MR. CHAIRMAN, WE COMMEND THE CONGRESS IN ITS DEDICATION TO ADDRESS THE PROBLEMS OF JUVENILE JUSTICE IN A FORTHRIGHT MANNER. WE HAVE REASON TO BELIEVE THE NEW ADMINISTRATION IS EQUALLY COMMITTED. COUNTY GOVERNMENTS LOOK FORWARD TO A NEW PARTNERSHIP WITH THE FEDERAL GOVERNMENT IN THIS EFFORT.

IN CLOSING, THE NATIONAL ASSOCIATION OF COUNTIES URGES REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AND REQUESTS THAT SERIOUS CONSIDERATION BE GIVEN TO INCLUSION OF A NEW TITLE PROVIDING FOR A PROGRAM OF STATE SUBSIDIES TO BETTER ACCOMPLISH THE PURPOSES OF THE ACT.

Addendum A

DRAFT: Language for new title to Juvenile Justice and Delinquency Prevention Act of 1974

Delete paragraph 10 H of Section 223, Title II; include this language as a new title IV and renumber everything thereafter

TITLE IV State Subsidies

PURPOSE OF TITLE

This title provides a federal incentive for the establishment of voluntary state programs that will, through the use of subsidies to units of general purpose local governments:

(a) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the state juvenile population;

(b) increase the use of non-secure community based facilities as a percentage of total commitments to juvenile facilities; and to

(c) reduce the use of secure incarceration and detention of juveniles;

(d) encourage the development of an organizational and planning capacity to coordinate youth development and delinquency prevention services and to ensure for service delivery accountability.

FEDERAL ASSISTANCE

The Administrator is authorized to make grants to states to accomplish the purposes of this title. Funds are to be allocated annually among the states on the basis of relative population of people under the age of eighteen pursuant to regulations promulgated under this part. Funds for part (d) will only be provided if, in the opinion of the Administration, states are in substantial compliance with one or more of parts (a), (b) or (c) listed above; or if the administration is satisfied that there are currently being conducted programs to achieve the goals outlined in (a), (b) or (c).

Funds remaining unallocated at the end of a fiscal year shall be reallocated among participating states, as defined in this title, in a manner consistent with and in proportion to the original grants to those states.

Financial assistance extended to the states under this title shall be predicated upon a state contribution to the subsidy program of not less than 10% of the amount determined to be that state's share of the federal monies available under this title.

States may not withhold amounts in excess of their own contribution for administration of the subsidy program.

MONIES ALLOCATED TO NON-PARTICIPATING STATES

Monies that are earmarked for particular states under the allocation formula, but which remain unallocated because those states do not choose to participate in the program, shall be deposited in a general discretionary fund under the direction of the Administrator.

Those monies will be used to fund, upon application as provided by regulations promulgated under this title, programs sponsored by individual units of general purpose local government in those states not participating in the program. The funds available for this purpose must be used in non-participating states, but, at the discretion of the Administrator, not necessarily in the proportion mandated by the original allocation formula. The Administrator will, however, be responsible for enduring that funds from the discretionary fund established by this title be distributed equitably among the states and that their use be consistent with the purposes of this title.

Those units of general purpose local government in participating states that submit acceptable applications for assistance under this title may, at the discretion of the Administrator, be required to provide a match, not to exceed 10% of the total federal dollars provided; and that match, if required, will be consistent with all monies provided under this program within that state.

PARTICIPATING STATES

States will be required to give notice to the Administrator of their intention to participate in this program within 30 days of the enactment of this title. In those states where an act of the legislatures are not in session, the Administrator will hold funds for those states in trust until 30 days after the convening of that legislature to ensure the opportunity for participation.

PLAN FOR PARTICIPATION

Following notification of the Administrator of an intent to paricipate, each state will have 120 days to submit an acceptable plan to the Administrator for the establishment of a state subsidy program consistent with the purposes of this title. The Administrator may, at this discretion, extend the 120 day planning period, when it is in the best interests of the states and the federal government.

An acceptable plan will include programs that will promote the purposes of this title, will utilize the contracted services of private non-profit youth services agencies to promote the purpose of this title, will provide adequate reporting and auditing requirements to ensure the expenditure of funds are consistent with the intent of this title, and will comply with regulations promulgated under this title.

DRAFTING OF THE STATE PLAN

The state subsidy plan submitted to the Administrator will be the product of a joint and cooperative effort by officials of the state government, representatives of general purpose units of local government within the state and spokesman for private non-profit youth service agencies within the state.

The Administrator will notify states of the acceptability of their plans within 30 days of their receipt. Plans which are not acceptable will be commented upon by the Administrator and the states given opportunity to resubmit.

THE SUBSIDY PROGRAM

Local government programs receiving funds through state subsidy programs must be consistent with the purposes of this title. States requiring matches from participating units of general purpose local governments may not require that those matches exceed 10% of the federal monies in each project funded. States are not required to stipulate such matches. Experimentation among the states is encouraged with various kinds of subsidy programs.

STATES WITH EXISTING SUBSIDY PROGRAMS

States which have already instituted subsidy programs may participate fully in the program established by this title. Funds from this title may be used to expand existing programs in those states already having programs or they may be used to start new programs so long as all programs utilizing these monies are consistent with the purposes of this title. Federal funds may not be used to replace existing state or local efforts in existing subsidy programs.

PARTICIPATION OF PRIVATE AGENCIES

This title recognizes the important role private non-profit youth service agencies can and should play in resolving delinquincy related community problems. Units of general purpose local governments recieving funds under this program are urged and encouraged to utilize private non-profit youth agencies to help accomplish the purposes of this title through contracted services when feasible. Nothing in this title shall give the federal government control over the staffing and personnel decisions of private facilities recieving funds under this program.

AUTHORIZATION OF APPROPRIATIONS

To carry out the purposes of this title there is authorized to be appropriated $50 million for the fiscal year ending September 30, 1977; $75 million for the fiscal year ending September 30, 1978; and $100 million for the fiscal year ending September 30, 1979.

Addendum B

California

California operates a $21 million program of probation subsidies: counties apply to be reimbursed for each youthful offender they keep at home who would otherwise go to a state institution. The state then pays the county the per capita, per day expense that would have been incurred. The state also offers a $2.8 million subsidy program for residential and day-care programs (provided in 24 of California's 58 counties). The Department of Youth Authority also administers $200,000 in special program funds, and is now trying to pry loose some state money for a new subsidy program that would fund local youth service bureaus.

Minnesota

The Minnesota Community Corrections Act of 1973 provides state funds to counties or groups of counties with populations of 30,000 or more that write a comprehensive plan for community corrections. This plan must apply to offenders of all ages.

The formula by which funds are distributed is based on per capita income, per capita taxable value, and per capita expenditures for each 1,000 people in the population for corrections, and the percentage of county population between 6 and 30 years old. (This formula matches a county's correctional needs to its ability to pay, and makes up the difference).

By allowing groups of counties to get together and develop a plan, Minnesota opens up the possibility of comprehensive services to rural counties.

Missouri

Missouri passed legislation a year ago that mandated the Division of Youth Services to provide subsidies to local governments for the development of community-based treatment services. But the state has not yet appropriated money to launch the subsidy program. Missouri's Division of Youth Services is working within the limits of the funding it has now to start the subsidy program, and is looking for other sources of money.

New York

New York appropriated $20 million this year to cities and counties that develop both a plan for comprehensive youth services, and the means to carry it out. Counties may receive $4.50 for each resident under 18 years old if they meet eligibility requirements and file a County Comprehensive Plan. A maximum of $75,000 is available for County Youth Service Bureaus. Counties put up a dollar for each dollar they receive.

To encourage developing and carrying out a comprehensive plan, the state charges counties 50 per cent of the cost of keeping the youth they send to state institutions.

Virginia

Viginia has had a program of subsidies to counties for 25 years, but only in the past five has the program been well-funded. The state reimburses 80 per cent of the costs incurred by counties to develop youth service programs. The state will also reimburse 66 per cent of staff salaries, 100 per cent of operating costs, and 50 per cent of capital expenditures (to $100,000) for community residential programs.

The state offers to administer local programs directly, and assume all costs except for housing, furnishings, and maintenance. Virginia makes special funds available to courts for alternative boarding of children in facilities or foster homes, and for transportation, court-ordered tests, and diagnosis.

Virginia plans to spend $40 million in the next two years for community based youth programs.

Mr. **Corrada**. Thank you very much for presenting to us the experience and needs of your counties in the area of juvenile prevention and juvenile justice.

If I understand your statement correctly, you hold that even by liberalizing the mandate for the deinstitutionalization, still some jurisdictions would be very far from either reaching substantial compliance due to the low level of appropriations.

I take it you would like a higher authorization and appropriation. What levels do you envision?

Mr. **Payne**. You are speaking of the deinstitutionalization? I don't know the specifics.

Mr. **Corrada**. With respect to the——

Mr. **Payne**. Addenda.

Mr. **Corrada**. To the act in general, all the provisions.

Mr. **Payne**. Our position is that this addendum be a separately funded provision and that it be funded with $50 million for the first year fiscal 1977, $75 million for fiscal 1978 and $100 million for fiscal 1979. Therefore, whatever the level of the current authorization of the act, we support that amount. Our provision, our amendment is a separately funded part.

Mr. **Corrada**. So this would be in addition to authorizations and appropriations under the existing title of the act?

Mr. **Payne**. That is correct. In other words, our position, as you know, the act was initially passed without appropriations by the Ford administration and then I believe gradually upgraded from $30 to $50 to $75 million for the first 3 years. Our position is it is totally inadequate to deal with the awesome problems of juvenile delinquency and juvenile delinquency provision and that is why we are suggesting and requesting that this segment of our addendum be separately funded to the level we suggest.

Mr. **Corrada**. With respect to the deinstitutionalization efforts, both by the States and as may be mandated by Congress, where would that leave us if the additional title was to be enacted?

Mr. **Payne**. It is our feeling that the subsidy plan would thereby give substantial sums of moneys to the jurisdiction responsible for the institutionalization, for example, our State did in fact pass a law in 1974 which mandated the separation of status offenders from other juvenile delinquents. It was a tremendous burden and strain on the multicountry governments because there was not a State fiscal note attached to the deinstitutionalization and it therefore bore heavily on the county tax base.

But we conformed with the law since it went through the legislature. Our feeling is that the subsidy programs will benefit States that have been unable to move into the mandates by Congress as relates to the deinstitutionalization and the separate of youthful offenders from adult offenders.

Mr. **Corrada**. Mr. LaVor, any questions?

Mr. Causey.

Mr. **Causey**. Mr. Payne, in Section 3(a) of H.R. 6111 and other sections would strike the phrase "local governments" that are in the current act. As representing the counties, do you take a position on that provision in H.R. 6111?

Mr. **Payne.** No, I was not that familiar with that section but according to our staff member we do not favor that provision. As has been mentioned, if you would like our position for the record, we will have it drawn up and submitted to the committee's hearings.

Mr. **Causey.** I would like to go back to Mr. Smith for one moment, if I may.

You mentioned in your testimony that approximately 10 percent of the funds utilized for county funds were devoted to the juvenile system. What percentage of serious crime in North Carolina is committed by juveniles?

Mr. **Smith.** I don't have the answer. I will be glad to try to get the information back to you next week. I could not help with that question.

Mr. **Causey.** One final question directed to all three of you. I would like your reaction to this language, if I may, referring to section 332(c) of the act. If the last sentence read failure to achieve compliance with subsection (A)12 requirements that within the 3-year time limitation shall terminate any States eligible for funding under the subparts unless the Administrator determines the State is in substantial compliance with the requirements through achievement of deinstitutionalization of not less than 75 percent of such juveniles and made through appropriate legislative or executive action within a reasonable time not exceeding 2 additional years. What that language does is essentially reverse the time period specified in that sentence. It would make the first requirement 3 years instead of 2 and the second requirement 3 years instead of 2 years.

Would that in all three of your estimates ease the burden so far as the compliance problem you mentioned?

Mr. **Smith.** The concern we still have is that in some cases it may be necessary to place a status offender in an institution because that is the only available treatment service that the State or city or county government has available.

The question still remains about the need to have the potential use of a training school for a status offender, when there is no alternative to that. That is, the 100-percent issue I think needs to be given thought to, that there may be exceptions when it is in the best interests of the child that the child be in the institution and that is why I am raising the question about perhaps—and again this is just off the top of my head—perhaps 90 percent or 95 percent, or even 99 percent of the deinstitutionalization is very good as an ultimate goal, but I think there may be instances where a child may need to have institutionalization, or a status offender, for the best interests of the child or the threat of that for the best interests of the child.

Mr. **Thomas.** One, as I mentioned, our association has adopted a position we would like to see a 5-year time frame for deinstitutionalization. For a lot of the States that would mean 3 more years. We have been in it 2 years. I think by changing that language from 2 to 3 years you move in our direction. We hope you go the whole way for the 5-year phaseout.

The important point from our point of view, each State is unique in this particular instance as it is in a lot of others. But a lot of

States were already moving forward, as Gordon pointed out in North Carolina.

In our State, South Carolina, we were doing very little in that area until we began to participate in this act. Now, it is difficult, difficult in a lot of States, and I think each State needs to be looked at separately, individually and phaseout plans for that State developed and our position was 5 years would be an appropriate time to do that. We feel that particularly with this effort, for instance in my State, when we started it off we found it has taken a substantial amount of time to gear up the fiscal movement that was necessary. In other words, to address the issue of status offenders dealing with the judges, dealing with whole jurisdictions to develop the kind of service delivery system that is necessary as an alternative to institutions.

For instance, to determine what alternatives there are for local detention, you really get into the guts of the juvenile justice system as to what basically your family courts are all about when you start talking about how to deal with status offenders.

You have to address so many of those basic foundation issues in your State in order to bring about deinstitutionalization and other conferences feel that 2 or 3 years is just not adequate time unless your State was already moving in that direction. That is why we supported a 5-year time.

Mr. Andrews. Does the act require that all status offenders be placed in other than penal institutions?

Mr. Smith. Yes, sir.

Mr. Andrews. Well, in the other than the penal institution, what could you call them?

Mr. Smith. Training schools or—in the county jails in North Carolina, that is the only alternative that is there in many cases.

Mr. Andrews. Do these training schools, they don't have any way, nearly the degree of security, I presume, that a regular penal institution does?

Mr. Smith. That is correct. The C. A. Dillon is the most secure of the six training schools. They have various degrees of security.

Mr. Andrews. What I am thinking of there, I used to be a solicitor. I know in some instances you get a person who comes into court and you can only determine sufficiently to obtain a conviction that that person has done something that might be determined to be a status offense. But you have all and sundry information that leads the solicitor or the judge to believe that this person not only has committed certain status offenses, but in fact has committed various breaking and entering and robbery and various and sundry other things, but you don't have sufficient evidence to charge such person with that so you put the person in one of these low security places and immediately he escapes and again you have all kinds of information—he is picked up again and there is all sorts of information that leads you to believe that in the interim again he has committed robberies, break-ins and so forth, and the judge, it seems to me, should be left the option to perhaps determine it is in the best interests of the community as well as to the individual he be placed in an institution where there is more security than might be available in this place that we are trying to force the judge to put him.

I don't think that a judge ought to have the authority that his title and office implies, not be told by somebody up here that he must place every youthful offender of a certain type in a certain institution. You are taking away a prerogative and wisdom, I think of having hopefully a competent judge adjudge each case based on circumstances and we can't sit up here and write this mandatory kind of legislation.

Mr. SMITH. Some district court judges are indicating to us if they don't have the option of the training school then in a sense it takes away the authority or it can ultimately the respect of court, and that happened in North Carolina in the past few years in a rather large city. There was a family with a child. The family had to move to Japan. The child did not want to leave the city and the issue came before the court what to do with the child, and the child and the court's only alternative was to say our only option is to have you in the training school or else go with your parents. Because the option of training schools was there, the child was only a status offender, the child decided to go with her parents to Japan because the court had the option for the status offender to go to the training school. Just the option helped keep the child with the parents.

If the act were implemented in North Carolina today that judge with that situation would have been able to do nothing. It would have left the judge without any authority because he had no alternative proposal for the family.

Now, I would like to make one suggestion, if I may, for you to consider. In section 223(a), item 12, same issue we have been talking about, section 12. If there were two changes, I have done this in a hurry. It may need to be tightened up a little bit. There were two changes that I suggest you consider. It now reads, Provide within 2 years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities.

The present suggestion is to amend that by striking "must" and making it "may." I would like to suggest two other alternatives that you might consider.

Number one, it says provide within 2 years. I would suggest you consider striking 2 years and say provide within a specific time period agreed upon by the State and LEAA, that this is again a specific time period agreed upon between the State and LEAA. This would allow for dealing with the various degrees of development each State, at the present time has on this issue.

Then to continue on, I would suggest in addition to the sentence after the, I will go ahead and read, provide within a specific time period agreed upon between the State and LEAA after a juvenile who has been charged with or committed offenses that would not be criminal if committed by an adult, shall not be placed in a juvenile detention or correctional facilities—and here we go again—with the exception when placement is the only available alternative, as certified by a written statement of the court.

Now, that would allow the judge to have the authority which most courts and judges need to operate. It may, I have written this in a hurry and please know my concern is to reduce the number of status offenders in institutions across the State and it may be possible to tighten this up a little bit so that it not be abused by what I gave you as a quote as a possibility that this should be tightened up.

I have done this in a rush but I think this is the section in there, they are the two areas that need to be looked at. What I suggest here for your consideration would be two approaches. One is to get the agreement be made between the Federal and State government to meet this goal on a timetable, where there would be continuous monitoring and, second, it would allow for the situation where the judge is confronted with the problem and needs to have an alternative and otherwise would not have one.

Mr. PAYNE. On your question earlier, I think that status offender, once he violates the conditions, then can be charged as a nonstatus offender. So, I think that the notion that you have a strict conformity with the status offender can be separated. A judge does have the option if, for example, the status offender runs away from the facility, or shelter, and comes back before the judge again, the judge has the right then to have a different disposition because he has violated the law.

I think there are options and, in my opinion, mandating that status offenders are completely separated from other youthful offenders does not, in my judgment, force the judge to conform or take away judgment from the judge. He does have an opportunity if that status offender does violate the law—the right that he has been given to be in a shelter, and I believe that making the time frame a little bit longer would somewhat ease the problem of moving into the separate facilities.

But there are still States that do in fact lack the funds. That is why we continually support the subsidy program separately funded to assist States, like we have heard from North Carolina, in participating in the full act by the separate amendment that we have for the current act.

The other thing that was mentioned by the gentleman, who left, is that there needs to be different ways to look at preventing delinquency from occurring. In the example given here in North Carolina, there should be some other option to the training school. The youth is not really breaking any kind of law. My estimation is if he doesn't want to go to Japan, I know a lot of businessmen who don't want to go, so to penalize him by an option of going into a training school, where you have all kinds of offenders, I guess he took the least of the two evils.

In my opinion there needs to be a total look at other options, in that we need to have some kind of youth home like we have in the university for college students. There needs to be, in my opinion, a place where a youngster could leave his home, even if he was 15, without running away, and say that my father is an alcoholic and he beats me and my mother is never home and there are 10 kids in the little project where I live, and I want to leave because I want to have the opportunity to have a better way of life.

And rather than having to go to a judge and to be there as a status offender or juvenile delinquent, there should be some way where the youngster could be able to come out of that institution, that home and have an opportunity to have a better way of life in a group-type room where he could get whatever kind of guidance he needed. Right now there is none. He has to come through the criminal justice system. And that, I feel, is unfortunate.

Mr. ANDREWS. We have one other witness scheduled for the morning session, right?

Mr. CAUSEY. Yes.

Mr. ANDREWS. I agree somewhat with what you have said. I don't know that that is within the purview of our consideration really, though. You can undertake to establish Federal aid totally financed facilities throughout the 50 States, and so forth, to that end, but certainly not in this act. But I do follow what you say and I am sure it has much merit.

Mr. CORRADA. We thank Mr. Smith and Mr. Payne and Mr. Thomas for their presentations and testimony which I am sure will prove of great value to the subcommittee.

Thank you very much, gentlemen.

Mr. SMITH. We thank you for the opportunity to talk with you.

Mr. ANDREWS. We have one of the witnesses of this panel, Mr. Sidney Barthelemy, and we will go ahead with the hearing and listen to him now.

We have your written testimony and we would suggest, as we have to the other witnesses, since we have your written testimony, that you summarize and add anything else that you would like to comment on at the time.

STATEMENT OF SIDNEY BARTHELEMY ON BEHALF OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES

Mr. BARTHELEMY. As you all know, I represent the National Conference of State Legislatures which is comprised of the Nation's 7,600 State legislators and their staffs from all 50 States. I am an officer of the Committee on Criminal Justice and Consumer Affairs, and my remarks today will present the policy of this committee and the State-Federal Assembly.

I will be as brief as possible.

On behalf of the National Conference of State Legislatures I would like to reaffirm our support for the objectives of the Juvenile Justice and Delinquency Prevention Act of 1974. Particularly we strongly feel and emphasize the delinquency provision aspect of the act because efforts to help people before they become career criminals can dramatically change the future of thousands of citizens.

The National Conference would like to make some recommendations for your consideration particularly in the area of what you have been discussing recently with the counties, giving the States some additional time to conform to the law of the deinstitutionalization of the status offenders and not placing juveniles in correctional institutions.

I, myself, support those objectives very strongly but there are members within the Conference who do not participate in the act basically because of the 2-year problem that they have and the lack of funds they have in trying to implement the program.

We in the State of Louisiana have implemented the act and are still trying to find moneys to develop the shelter facilities you all were talking about recently. The problem is one of finance and developing alternatives to the correctional institutions and we would hope that you would consider giving those States that are showing good faith effort to move in the direction of the deinstitutionalization, that you would give them some additional time to consider maybe 3 years for those States showing good faith efforts with the full compliance maybe within 5 years. I think that would help a lot of States out who should participate in the act.

Also, we would like to recommend that you consider amending section 223(A)12 as proposed in your bill by deleting the word "must" and inserting the word "may" before the phrase the requires that status offenders be placed in shelter facilities.

On the requirement of compliance with in 2 years, that also is very difficult for States to act on. Another change the Conference advocates concerns section 223(A)3 and the State juvenile advisory groups. We support the change proposed by Senator Bayh in Senate bill 1021, which would require the advisory group to advise State legislature groups on juvenile delinquency matters.

Speaking for myself and colleagues in the 50 States, we are always interested in advice from the interested groups such as the State advisory groups. If the advisory groups are to be useful in our efforts to reform the juvenile justice system, then they should be permitted to do more than merely advise on the LEAA plans which the State submits to the Federal Government.

Our policy position also recommends changes to the distribution of funds enumerated in section 224(B) which currently allows the Federal Government to return 25 to 50 percent of the funds for its special emphasis programs. In a program which is premised on the block grant approach, the bulk of funds should be distributed through State and local mechanisms. We therefore recommend that the current language be changed from a 25- to 50-percent range to a flat 15 percent of funds for Federal programs.

Mr. Chairman and members of the committee, I feel that the success of this program to a large extent depends on the commitment of funds by Congress and the President. Since passage of this landmark act in 1974, we in the States have been disappointed by the lack of commitment in the Federal executive branch.

The Crime Control Act programs of the Law Enforcement Assistance Administration have always been more important to the previous administration than were in the juvenile delinquency efforts.

In my opinion, this illustrates the backward logic which has plagued our criminal justice system for decades. We place more emphasis on dealing with crime after it has been committed, by equipping police with fancy equipment and multiplying the capacity of our courts and correctional facilities to deal with individuals who have already made a career out of crime.

In my opinion, if we are ever to curb the intolerable rate of crime in the United States we must engage in efforts to curb juvenile delinquency. It is the juvenile we can help and steer away from a lifetime of crime. If we miss the opportunity to provide assistance to a young person we have probably foregone the chance to rehabilitate that person at a later date.

The startling fact that over 50 percent of the arrests in this country are of youngsters between the ages of 10 and 17 is sufficient evidence to warrant a concentrated Federal-State effort to prevent and deter juvenile delinquency.

In my State of Louisiana I convinced my colleagues in the State legislature to fund a juvenile delinquency prevention program which created a youth development program in a New Orleans neighborhood. It is a local association composed of neighborhood people who live in the neighborhood and who operate the program. Through this program we provide recreational services and reading services to youngsters in the community. It is this type of program which is necessary if we are to give young people alternatives to a life of delinquency. The rate of unemployment among teenagers is at a record high and the minority teenager unemployment rate exceeds 50 percent.

If we don't provide constructive alternatives for these young people, we should not be surprised when they engage in acts of delinquency.

Thank you.

[The complete statement of Sidney Barthelemy follows:]

TESTIMONY

OF

SENATOR SIDNEY BARTHELEMY, LOUISIANA

SECRETARY, CRIMINAL JUSTICE AND CONSUMER AFFAIRS COMMITTEE
NATIONAL CONFERENCE OF STATE LEGISLATURES

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
HOUSE COMMITTEE ON EDUCATION AND LABOR

ON THE

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

APRIL 22, 1977
ROOM 2175 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C.

Mr. Chairman, it is my pleasure to appear before you and the distinguished members of the Subcommittee on Economic Opportunity of the Committee on Education and Labor.

I am here representing the National Conference of State Legislatures which is comprised of the nation's 7,600 state legislators and their staffs from all fifty states. I am an officer of the committee on Criminal Justice and Consumer Affairs, and my remarks today will present the policy of this committee and the State-Federal Assembly.

I will be as brief as possible.

On behalf of the National Conference of State Legislatures I would like to reaffirm our support for the objectives of the Juvenile Justice and Delinquency Prevention Act of 1974. If Congressional hearings are similar to our state legislative hearings, I am certain that at every hearing witnesses have testified that juvenile delinquency is the most important problem in our criminal justice system today. I feel strongly about delinquency prevention because our efforts to help young people before they become career criminals can dramatically change the future for thousands of our citizens.

The National Conference of State Legislatures has consistently supported the Juvenile Delinquency Act as evidenced by our attached policy position. On the basis of this policy, I would like to offer advice to this subcommittee on a few of the Act's provisions and suggest some additional changes. As you undoubtedly know, a number of states have refused to participate in this program, because they felt the federal requirements were too strict and unreasonable. This lack of participation by some states bothers me, because every state in this nation has an acute need to deal with juvenile delinquency. The requirements of sections

223(A)(12) and 223(A)(13) are the primary obstacles to participation by these states. Before I suggest changes to these provisions I want to stress that I fully support the objectives of these two sections and firmly believe that states and localities should deinstitutionalize status offenders and should not place juveniles in the same correctional facilities with adults. I feel, however, that Congress should understand the difficulties states and localities have had in complying with these provisions. The federal law should be sensitive to good faith efforts by states and localities which may fall short of total compliance. I would therefore, like to suggest the following changes to these sections.

First, amend Section 223(A)(12) as proposed in HR 6111 by deleting the word "must" and inserting the word "may" before the phrase which requires that status offenders "must" be placed in shelter facilities. Secondly, requiring compliance with these two sections in two years is unreasonable and unlikely to occur in very many jurisdictions. The federal government should recognize good faith efforts by states to achieve compliance with these provisions throughout their jurisdictions. But we must deal with the reality that total compliance can not be realized in each of the thousands of jurisdictions in every state in two short years. For these reasons we suggest the language be changed to require substantial compliance within a three year period and full compliance in a five year period.

Another change we advocate concerns Section 223(A)(3) and the State Juvenile Advisory Groups. We support the change proposed by Senator Bayh in S. 1021 which would require this advisory group to advise the state legislature on juvenile delinquency matters. Speaking for myself and my colleagues in the fifty state legislatures I can assure you

THAT WE ARE ALWAYS INTERESTED IN ADVICE FROM EXPERIENCED PERSONS IN THE JUVENILE JUSTICE FIELD SUCH AS THE MEMBERS OF THESE STATE ADVISORY GROUPS. IF THE ADVISORY GROUPS ARE TO BE USEFUL IN OUR EFFORTS TO REFORM THE JUVENILE JUSTICE SYSTEM THEN THEY OUGHT TO DO MORE THAN MERELY ADVISE ON THE PLANS WHICH A STATE SUBMITS TO THE FEDERAL GOVERNMENT.

agree OUR POLICY POSITION ALSO RECOMMENDS CHANGES TO THE DISTRIBUTION OF FUNDS ENUMERATED IN SECTION 224(B) WHICH CURRENTLY ALLOWS THE FEDERAL GOVERNMENT TO RETAIN 25% TO 50% OF THE FUNDS FOR IT'S SPECIAL EMPHASIS PROGRAMS. IN A PROGRAM WHICH IS PREMISED ON THE BLOCK GRANT APPROACH, THE BULK OF FUNDS SHOULD BE DISTRIBUTED THROUGH STATE AND LOCAL MECHANISMS. WE THEREFORE, RECOMMEND THAT THE CURRENT LANGUAGE BE CHANGED FROM A 25% TO 50% RANGE TO A FLAT 15% OF FUNDS FOR FEDERAL PROGRAMS. (2)

MR. CHAIRMAN, YOU ARE LIKELY TO HEAR FROM REPRESENTATIVES OF COUNTIES ADVOCATING FEDERAL INCENTIVES FOR STATE SUBSIDIES TO LOCAL UNITS OF GOVERNMENT. PERSONALLY, I FAVOR SUBSIDIES TO LOCAL UNITS OF GOVERNMENT FOR THE PREVENTION OF JUVENILE DELINQUENCY. OUR OBJECTION TO THESE PROPOSALS IS THAT THEY WOULD USE A PORTION OF THE FEDERAL JUVENILE DELINQUENCY FUNDS TO REWARD OR PENALIZE STATES WHICH PROVIDE THEIR OWN GENERAL FUND SUBSIDIES TO COUNTIES. BECAUSE OF VARYING FINANCIAL CONDITIONS AMONG THE STATES, SOME STATES MAY BE ABLE TO SUBSIDIZE LOCAL PREVENTION AND CORRECTIONAL PROGRAMS WHILE OTHER STATES HAVE INSUFFICIENT REVENUES TO PROVIDE SUBSIDIES. IT IS FOR THESE REASONS THAT WE THINK IT IS INAPPROPRIATE FOR THE FEDERAL LAW TO PROVIDE REWARDS AND/OR PENALTIES TO THE STATES FOR THIS TYPE OF ACTIVITY. IT IS OUR FEELING THAT IF COUNTIES NEED AND WANT STATE GENERAL FUND SUBSIDIES FROM THEIR OWN STATE LEGISLATURES THEY SHOULD THEN PRESENT THEIR CASES TO THE STATE LEGISLATURE AND SEEK STATE FUNDS DIRECTLY WITHOUT relying on the federal government to mandate state action.

Mr. Chairman and members of the committee I feel that the success of this program to a large extent depends on the commitment of funds by Congress and the President. Since the passage of this landmark act in 1974, we in the states have been disappointed by the lack of commitment in the federal executive branch. The crime control act programs of the Law Enforcement Assistance Administration have always been more important to the previous administration than were the juvenile delinquency efforts. In my opinion this illustrates the backwards logic which has plagued our criminal justice system for decades. We place more emphasis on dealing with crime after it has been committed, by equipping police with fancy equipment and multiplying the capacity of our courts and correctional facilities to deal with individuals who have already made a career out of crime. In my opinion if we are to ever curb the intolerable rate of crime in the U.S. we must engage in efforts to curb juvenile delinquency. It is the juvenile we can help and steer away from a lifetime of crime. If we miss the opportunity to provide assistance to a young person we have probably forgone the chance to rehabilitate that person at a later date. The startling fact that over fifty per cent of the arrests in this country are of youngsters between the ages of 10 and 17 is sufficient evidence to warrant a concentrated federal-state effort to prevent and deter juvenile delinquency. ③

In my own state of Louisiana, I convinced my colleagues in the state legislature to fund a juvenile delinquency prevention program which created a youth development association in New Orleans. Through this program we provide recreational and reading services to youngsters in the community. It is this type of program which is necessary if we are to give young

PEOPLE ALTERNATIVES TO THE LIFE OF DELINQUENCY. THE RATE OF UNEMPLOYMENT AMONG TEENAGERS IS AT A RECORD HIGH AND MINORITY TEENAGE UNEMPLOYMENT EXCEEDS 50%. IF WE DO NOT PROVIDE CONSTRUCTIVE ALTERNATIVES FOR THESE YOUNG PEOPLE, WE SHOULD NOT BE SURPRISED WHEN THEY ENGAGE IN ACTS OF DELINQUENCY. ANOTHER FEATURE OF THIS NEW ORLEANS PROGRAM IS READING ASSISTANCE. STUDIES OF JUVENILE DELINQUENTS IN CORRECTIONAL INSTITUTIONS HAVE SHOWN THAT THEY HAVE A VERY LOW READING ABILITY. IT IS ALSO KNOW THAT READING ABILITY IS A PROBLEM WITH STUDENTS WHO DROP OUT OF SCHOOL. IF WE ARE TO GIVE THESE YOUNG PEOPLE A CHANCE TO COMPETE IN OUR SOCIETY AND HELP THEM AVOID CRIMINAL ACTIVITY THEN WE MUST HELP THEM GAIN THE NECESSARY SKILLS TO COMPETE. AFTER EIGHT YEARS OF LEAA CRIME CONTROL PROGRAMS CONGRESS SHOULD NOW REALIZE THAT THERE IS NO SHORT TERM SOLUTION TO OUR CRIME PROBLEM. THE BEST WE CAN HOPE FOR IS TO IMPROVE OUR SYSTEM OF JUSTICE, ENGAGE IN PREVENTION OF CRIME, AND HOPE TO REDUCE LONG RANGE CRIMINAL ACTIVITY. IF WE CONTINUE TO ACCEPT THESE INTOLERABLE LEVELS OF UNEMPLOYMENT FOR TEENAGERS AND DO NOT ENGAGE IN MASSIVE PREVENTION EFFORTS IN OUR SCHOOLS AND COMMUNITIES WE CAN ONLY EXPECT OUR CRIME PROBLEM TO CONTINUE.

ON BEHALF OF THE STATE LEGISLATORS, YOU CAN BE ASSURED OF OUR SUPPORT IN THESE EFFORTS TO CURB JUVENILE DELINQUENCY. WE WILL DO OUR BEST TO REFORM STATE LAWS AND PROVIDE PROGRAMS IN OUR STATES, AND HOPE THAT YOU WILL ASSIST US IN THESE ENDEAVORS.

CRIMINAL JUSTICE AND CONSUMER AFFAIRS COMMITTEE

Juvenile Delinquency

The NCSL commends Congress for the passage of the Juvenile Justice and Delinquency Prevention Act. We do feel that in order for the states and the federal government to implement the goals of the legislation, the Administration and the Congress should seek appropriations in the full amount authorized by the Act.

We feel the prevention, control and treatment of juvenile delinquency should be one of the highest priorities of our criminal justice system. Coordinative efforts should be implemented among the many federal and state agencies, both private and public, so that services to our nation's youth are maximized. The prevention of juvenile delinquency should be recognized as the key to reducing crime in this country. Programs should therefore be committed to basic prevention, with special attention to home, school and community centered programs aimed at youth in danger of becoming delinquent.

Recognizing the very serious problem of violence in our nation's schools, the NCSL supports the addition of a section to the Juvenile Justice and Delinquency Prevention Act which would provide grants to the states to help make our schools safe.

The NCSL urges Congress to extend and relax the deadlines for compliance with the federal Juvenile Justice Act requirements which deal with status offenders and the incarceration of juvenile offenders with adult offenders.

No more than fifteen percent of the appropriated funds should be made available for federal discretionary programs, with the balance allocated to the states and localities in the form of a block grant.

The NCSL opposes any amendments to the Act which would offer financial incentives only to those states which provide subsidies to county government.

Mr. Corrada. Thank you. We commend you for your statement and, of course, the National Conference of State Legislatures for your interest in this legislation. Public Law 93–415 mandates policies related to juvenile delinquency that require action on the part of State and local governments. But regardless of how much money is invested, our effect will continue to be limited if we are unsuccessful in sensitizing States to our philosophical approach to these problems, which is; namely, from a societal standpoint rather than a strictly criminal approach. I sincerely hope that we can find some type of mechanism whereby we can assist State legislatures and their appropriate committees so they can effectuate State laws which are more in concert with our congressional intent.

Congressman Andrews?

Mr. Andrews. I just wondered, completely and aside, but I know, this one committee of criminal justice and consumer affairs committee, I can't understand why they are placed in one committee. What is the relationship?

Mr. Barthelemy. In many cases when you come to Congress you find your committee structures already established; so did I when I came to the National Conference of State Legislatures. So I really cannot offer any enlightenment on why these two committees were joined together.

Mr. Andrews. I appreciate your statement and I largely agree with it. I appreciate we have the opportunity here in Congress to work with State legislatures and their associations I think share pretty much the same goals we do here. I think that is the means by which we will get some improvements in this legislation and hopefully accomplish its purpose by mutually working together.

Thank you for coming.

Mr. Corrada. We will now recess until 2 p.m. at which time we will continue with the public hearings.

[Whereupon, at 12:55 p.m., the hearings were recessed, to reconvene at 2 p.m., the same day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m., Hon. Ike Andrews, chairman of the subcommittee, presiding.]

Mr. Andrews. Let the subcommittee resume for the afternoon session.

We are honored to have as our first witness our colleague and distinguished friend from Florida, the Honorable Claude Pepper.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Pepper. Mr. Chairman and members of your subcommittee, I thank you very much for the privilege of being here with you this afternoon and I am grateful to you as friends and colleagues for this privilege to speak on H.R. 6111, a bill to amend and extend the Juvenile Justice and Delinquency Prevention Act of 1974. I would also like to commend the Chairman and members of his subcommittee for undertaking this inquiry into this continued challenging problem of youth crime.

The problem, of course, is a very difficult one, a very complex one. I was Chairman of the House Select Committee on Crime for 4 years and we tried to make an intelligent inquiry into this matter.

In my committee, we heard testimony from judges, Federal and State, from law enforcement officials, and experts from many criminal justice sectors, about what might be done to improve the administration of our criminal justice system, and more importantly about what might be done to provide for justice in the administration of that system.

But I came here today, Mr. Chairman and members of the subcommittee, to emphasize the prevention element. I have learned that the most productive returns that we can get for the expenditure of our public moneys with respect to crime is money spent on the prevention of crime, especially youth crime, aimed at citizen participation.

Let me give you one summary of testimony given by Judge Orlando a juvenile judge from Ft. Lauderdale, Fla., who was offered, I believe, the head of maybe the Juvenile Justice and Juvenile Prevention Department by the Administration. He said that he took 10 boys who had been in serious trouble before his court and he dropped them into a program that had to do with training for some sort of maritime work.

They were in the program for a year. At the end of 11 months not one of those boys had dropped out of the program. One of them got a job for about $5,000 a year in Orlando, Fla., carrying out the work he was trained to do in this program, and every one of them was anticipating completing the program without having been in any trouble at all and showing all prospects of becoming law-abiding and productive citizens.

Now, those were 10 very bad boys that had come into the judge's juvenile court for the commission of crime. So it shows what can be done in a preventive way.

You will recall, I am sure, the overwhelming vote 3 years ago which resulted in the passage of the Juvenile Justice and Delinquency Prevention Act. The prevention of juvenile crime was officially recognized, in a bipartisan fashion, as a national priority. If the need for a comprehensive, coordinated approach to the crime generated by youth was clear then—it is increasingly so now.

With the passage of this act, Congress in its findings stated that:

> The high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

I strongly concur with these findings. Quite obviously youth crime poses an ever-increasing threat to the national welfare, and we should continue to visualize juvenile crime prevention as a national priority.

I am particularly concerned about it as Chairman of the House Committee on Aging because so many of the old people of the country are victims of crime, and particularly juvenile crime.

The bill before the subcommittee today is a reflection of our recommitment to that national priority, and I am gratified to note our President's endorsement of the continuation of this act, and statement that:

> Both the commentators and the statistical evidence now point to the fact that court reform, corrections, and juvenile justice are the critical elements in improving crime control.

I share the President's views, but add that I do not feel we can allow to merely maintain this act, but rather we must provide for an increased authorization level for a sufficient period of time to assure and solidify our efforts in the direction of delinquency prevention. It is simply not enough to maintain authorizations at the 1977 level for a period of 3 years. Therefore, I urge you to consider the valuable information and the work this office has already generated in the short 3 years of its existence and provide for an increase in the authorization level suggested in H.R. 6111.

Mr. Chairman, I also want to commend the Subcommittee on Economic Opportunities for offering the American people a hearing on H.R. 1137, a bill of vital concern to me and all those who know or are the learning disabled.

I was honored to be joined in the introduction of this legislation by my able and distinguished colleagues, the Honorable Augustus F. Hawkins and the Honorable Tom Railsback, with the endorsement of over 60 cosponsors. My amendment to the Juvenile Justice and Delinquency Prevention Act would provide for a national Conference on Learning Disabilities and Juvenile Delinquency for the purpose of formulating a method of communication whereby existing knowledge and the results of ongoing research may be disseminated; to develop a coordinated plan of cooperation among disciplines in the delivery of services to the learning disabled; and to enable experts to design legislative recommendations upon which the Congress might act at the earliest possible time.

May I add that just a little bit ago there was a national conference here of people dedicated to this program and 8,000 people were gathered here from all over the country in furtherance of this kind of approach.

Permit me to pose the most obvious question: Why a National Conference on Learning Disabilities and Juvenile Delinquency? I introduced this legislation because of my background and association with youth, both handicapped and delinquent.

The first legislation I introduced as a Senator in 1937, was a bill to provide funds for the education of all types of physically handicapped children. It was not until 1954 that legislation was enacted to accomplish that purpose. It took Congress 20 years after the introduction of my legislation to recognize and begin to meet the unique needs of the handicapped. It took 20 years more for Congress to recognize that not all handicaps are visible—for during the 94th Congress the definition of handicapped was amended to include those youth with learning disabilities. I am eagerly awaiting the regulations which will implement this legislation which were due November 29, 1976.

Congress has done much for the handicapped youth of our Nation. We no longer expect handicapped youth to succeed, or reach full potential, without special assistance. However, the symptoms of the invisible handicaps referred to as learning disabilities are so subtle they often go unrecognized by all with whom the child interacts.

More importantly, few people understand that such a problem even exists.

Mr. Chairman, I am going to submit, when I finish my statement, a letter from a lady who is a member of the staff of the House Committee on Aging whose own son is a person who has these learning disabilities. She points out in her letter—that is to go into the record—this case.

If throughout their learning years, the learning disability remains undetected, the youth may become a far greater risk with respect to law and custom than youngsters not handicapped with learning disabilities.

The frustration from the inability to learn, and continuous academic failure, is a heavy burden for a child to bear. This burden can become unbearable when no one recognizes the problem. It is understandable that the unidentified learning disabled youth will exhibit restlessness in classroom situations, suffer from boredom, and eventually drop out of school. It is well established that the learning disabled are the largest category of children to drop out of school—700,000 each year.

Last, there will be those who will act out their frustration in delinquent ways. A study by the National Institute of Mental Health revealed that as many as 75 percent of the children who find themselves in juvenile detention centers suffer from learning disabilities. In a report recently published by the General Accounting Office, it noted that 90 percent of the adjudicated delinquents tested by the State of Colorado's Division of Youth Services were diagnosed as having learning problems. Additionally, 90 percent of the girls tested in a Tennessee State reformatory were 2 to 7 years below their grade in reading.

When I served as the chairman of the House Select Committee on Crime, I found that over one-half of all our serious crime is youth-related. More importantly, however, the committee findings revealed that if there is any one common characteristic about a delinquent child, it is not that he has long hair, or is white or black—but rather that they are educationally disadvantaged.

In testimony before the committee, Judge Frank A. Orlando, Broward County Juvenile Court, Ft. Lauderdale, Fla. said:

> That most delinquent children, like most of the normal population have normal intellectual potential or capacity. When they are tested academically, however, we note that this achievement often is far below chronological grade place. In other words, a child may be in the ninth or tenth grade, but we find that he is achieving on the fourth or fifth grade in terms of reading and arithmetic reasoning. One of the first symptoms of delinquency is truancy from school. The literature, nationally, shows that this is a common problem. Locally, from the experience of many years and hundreds of cases, I can say that this seems to be one of the first symptoms we see regarding delinquency.

This is one of the outstanding juvenile judges of the country.

Judge Orlando added:

> If we are ever going to be successful in prevention, it is necessary for us to provide the youngster with the means to successfully express himself in the academic setting. Not being able to do so at present causes the child to become disenchanted, very rightly, with the school experience and pretty soon causes him to drop out.

We all know how we dislike or are embarrassed to be pointed out or observed by our associates as unable to keep up as it were. Maybe some of the students laugh at him because he makes an obvious mistake or he becomes the subject of some ridicule by the other students, or the teacher may make disparaging remarks about him. He is sensitive about that subject and in a little bit he gets embarrassed and drops out of school because he does not want to endure that embarrassment.

Although statistics varied by locale, witnesses in virtually all of our hearings pointed out the causual relationship between inappropriate educational experiences and dropping out and crime.

The Chief of Police of Miami told me 90 percent of the young perpetrating crime were school dropouts.

As you might expect, the learning disabled child is not only a victim of an educational system which does not understand the problem. When the learning disabled youth enters the law enforcement or judicial process, a host of additional problems come into being. The policeman, the probation officer, and the judge, who have not had special training in this area, cannot recognize the subtle symptoms of this disability. Moreover, when concerned parents seek advice from medical practitioners in the belief that their child's learning problems stem from medical ills—more often than not they will be disappointed by the physician's inability to detect the problem—if it is a learning disability. As a consequence the learning disabled offender continues to be more handicapped by our society's ignorance of his problem than by the learning disability itself.

Although I believe the Law Enforcement Assistance Administration, on the whole, has made a saluatory contribution toward the suppression and punishment of crime in this country, I believe a significantly increased emphasis should be focused on the preventive aspects of juvenile crime, in which respect I think the Law Enforcement Administration is doing and has been doing too little.

It has been 8 years since the findings of the Crime Committee were made available. I believe that we cannot afford to wait another 12 years, as we did with the handicapped, to begin to provide for this vulnerable, long-underserved population.

Recently the National Institute of Juvenile Justice and Delinquency Prevention granted a $1.5 million to the Association for Children with Learning Disabilities and Creighton University Institute for Business, Law, and Social Research to investigate the relationship between specific learning disabilities and juvenile delinquency. The purpose of this research is 3-fold:

One, to study the incidence of learning disabilities among nondelinquents, probationers, and incarcerated delinquents; two, to initiate a remediation program for delinquents; and three to evaluate the remediation program. Dorothy Crawford, the national project director of this grant, will testify today that the findings of their study will coincide in a timely fashion with the State and National Conferences I have proposed in my amendment.

Some might suggest that the White House Conference on Children and Youth scheduled for 1980 might be the more appropriate vehicle for accomplishing the purpose of my amendment. However, I have investigated this possibility, and in my view of my findings, I have concluded this is not the appropriate forum.

In a memo to me dated April 19, 1977, Charlotte Moore of the Education and Public Welfare Division of the Congressional Research Service stated in summary:

> . . . In reviewing past White House Conferences and currently scheduled ones, we can see no indication that learning disabilities and their relationships to delinquency have been or soon are likely to be a major focus of discussion at a White House conference.

I would like to request that her entire statement on this matter be included in the hearings record at this time.

H.R. 1137 provides for an authorization of $5 million. We have not held a similar national conference since 1971 and, therefore, the previous appropriations of approximately $2 million are not realistic in terms of our experience with inflation.

If we examine the budget of a contemporary national study panel —the Commission on Federal Paperwork—we find a budget of $4,100,000 of actual funds for fiscal year 1976 and an actual allotment of $2 million for the transitional quarter.

In the conference we propose preparatory sessions be held around the country with legal, medical and education professionals, parents, teachers, State officials, and children with learning disabilities. This would involve similar staff and travel costs as the Paperwork Commission.

Mr. Chairman, and distinguished members, the cost for crimes committed by juveniles is estimated to be about $16 billion annually. It is time we provide for this authorization.

The most compelling evidence I have justifying the need for this conference is the response I have received from the attorneys general and commissioners of education in the States, District of Columbia, and the territories and possessions.

When we introduced the bill I wrote to these State officials to inquire about what, if any, efforts were being made in the States to determine the relation of learning disabilities to juvenile delinquency and related offenses.

I received 37 responses from the commissioners of education and 28 from the attorneys general, and I have attached a summary to my statement.

Let me give an example:

> We recognize the needs of this population in our State and agree that learning disabilities are linked with the increased rate of school dropouts, youthful unemployment, failure to reach full potential, truancy, drug abuse, drug usage and juvenile delinquency. Resources in our State are not acceptable enough for us to know all that is available. However, we will give you the resources of which we are aware. Signed Wayne Teague.

Here is another:

> I am grateful a Member of the House of Representatives is concerned enough to seek on a national level solutions to the many educational and social problems that confront urban systems. You can expect cooperation of the public schools of the District of Columbia in your efforts to assess and explore alternatives of providing services to the learning disabled.

I have a number of attachments from these State officials.

My concluding statement is it is clear the officials were not in every instance using the same definition of learning disabilities. However, I was impressed by the fact that 26 States have some program providing for the education of the learning disabled. This indicates there is a readiness and a need now to involve the States in the proposed multidisciplinary conference in order to strengthen our system of education and provide justice for millions of our youths with invisible handicaps!

I ask your consent, Mr. Chairman, that two statements which I submit along with my statement, one of which is from the lady on my Aging Committee staff whose child has learning disabilities be incorporated in the record following my remarks.

Mr. **Andrews**. It is so ordered.

[The formal statement of Congressman Pepper and supplemental materials follow:]

The Library of Congress
Congressional Research Service
Washington, D.C. 20540

April 19, 1977

TO: Honorable Claude Pepper ,
Attn: Cathy Gardner

FROM: Education and Public Welfare Division

SUBJECT: Recent White House conferences and their attention to juvenile delinquency and/or learning disabilities

This is in response to your request for background information on the last White House Conference on Children and Youth and the extent to which it covered the subject of juvenile delinquency and/or learning disabilities. This is in relation to your testimony before the Subcommittee on Economic Opportunity on your bill to have a White House Conference on Learning Disabilities and Delinquency.

The 1970 White House Conference on Children and Youth was separated for the first time into a conference on children and a conference on youth. The White House Conference on Children was held in December of 1970 and addressed the problems of children up to age 14. Although a good portion of this conference was devoted to education questions, the subject of learning disabilities and delinquency was not specifically discussed nor were there recommendations in this area.

The White House Conference on Youth, held in the Spring of 1971 was more concerned with questions on juvenile justice and the legal rights of youth than the earlier conference and was also concerned with education, but, again, did not specifically address the question of learning disabilities and their relationship to delinquency. We are enclosing the chapter of the report of the conference on Legal Rights and Justice. As you can see, the recommendations in this chapter go far beyond questions of the juvenile justice system per se into such areas as the 18 year old vote, capital punishment, victimless crime, venereal disease, legal education, etc.

You also asked about the delegates to the White House Conference on Youth, and whether they included juvenile justice "experts." We were unable to locate a listing of the attendees, but according to the conference report two-thirds of the delegates were young people between the age of 14 and 24, who were generally representative of the U.S. population. According to the report,

> The Legal Rights and Justice Task Force delegates included a 17-year-old unwed mother who spent two years in a Connecticut correctional institution, a Massachusetts youth who works as a probation officer for the Boston Municipal Court, and a young lady who serves on the Burbank (California) City Youth Council.

The adults who attended were described by the report as representatives of the "power structure," from such sources as Federal, State and local government, education, business, industry, labor, the media, religion, etc.

For your further information, the 1980 conference relating to children and youth will be a White House Conference on the Family which has already been funded as such. Therefore, it would appear even less likely that the subject of learning disabilities and delinquency would be discussed in this forum than at a conference on the problems of children and youth.

We additionally investigated whether a White House Conference on Education may have or soon might address the problem of learning disabilities as the problem relates to juvenile delinquency. The last such conference was held in 1965 and although there was a paper presented on Educating the Handicapped, there was no specific discussion of learning disabilities. Legislation enacted in 1974, the Education Amendments (P.L. 93-380, title VIII, Section 804), authorized the reconvening of a White House Conference on Education in 1977, but this provision was never funded.

In reviewing past White House conferences and currently scheduled ones, we can see no indication that learning disabilities and their relationships to delinquency have been or soon are likely to be a major focus of discussion at a White House conference.

We hope that this information will be useful to you in your testimony. Please let us know if you have any further question.

Charlotte Moore
426-5867

STATE PROGRAMS FOR LEARNING DISABLED CHILDREN

3 Responses from Health and Human Resources Administration
(Included in count headed under the Commissioners of Education)

37 Responses from Commissioners of Education

28 Responses from Attorneys General

Education for juveniles limited to Rehabilition programs:
Commissioners of Education....... 6
Attorneys General................. 4

Have held conferences under the aegis of:
Commissioners of Education....... 8
Attorneys General................. 1

Have not dealt primarily with the provision of services to deal with learning disabled children:
Commissioners of Education....... 13
Attorneys General................. 9

Have recognized the need for implementing programs for the learning disabled:
Commissioners of Education....... 7
Attorneys General................. 11

Have begun to design or implement a program for children in specific learning disabilities:
Commissioners of Education....... 26
Attorneys General................. 7

States providing for guidence and coordination of County service agencies to meet the special needs of pupils with school attendance problems or school behavior problems e.g. drug usage, truancy, etc.:
Commissioners of Education....... 2
Attorneys General................. 3

Acknowledged and referred my inquiries to officials in their state who are responsible for education:
Commissioners of Education....... 3
Attorneys General................. 14

CLAUDE PEPPER
14th District, Florida

COMMITTEE ON RULES

CHAIRMAN,
SELECT COMMITTEE ON AGING

ROBERT S. WEINER
STAFF DIRECTOR

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ADMINISTRATIVE DIRECTOR

712 House Annex 1
Washington, D.C. 20515

Congreſs of the United States
House of Representatives
Washington, D.C. 20515

April 22, 1977

JAMES F. SOUTHERLAND
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2239 Rayburn House Office Building
Washington, D.C. 20515

DON PETIT
ELLIS VAUGHN
DISTRICT REPRESENTATIVES

DISTRICT OFFICE:
Room 823 Federal Building
Miami, Florida 33130

Dear Ike:

You will please permit me to direct your attention to correspondence I recently received from Ms. Lorren Roth, on my Aging Committee staff, and from Mr. Jack Hill, a detective with the D.C. Metropolitan Police Department for almost twenty years, regarding their personal experiences with children with learning disabilities.

I hope you will be able to include their statements in the Hearings Record for H.R. 6111 and H.R. 1137.

Kindest personal regards, and

Believe me,

Always sincerely,

Claude

Claude Pepper
Member of Congress

Honorable Ike Andrews
Chairman, Subcommittee on Economic Opportunities
House Committee on Education and Labor

Enclosures

CLAUDE PEPPER, FLA.
CHAIRMAN
[illegible]

U.S. House of Representatives
Select Committee on Aging
Washington, D.C. 20515
[illegible]

ROBERT S. WEINER
STAFF DIRECTOR
JAMES A. BRENNAN
ASST. TO THE CHAIRMAN
ROSETTA [illegible]
MINORITY STAFF DIRECTOR

April 21, 1977

Honorable Claude Pepper
Chairman
House Select Committee on Aging
Washington, D. C. 20515

Dear Mr. Pepper:

I have recently become aware, through Kathy Gardner, of your long and diligent efforts on behalf of Learning Disabled Children.

My son, David, has just recently been tested for learning disabilities at the Kingsbury Center here in Washington, D. C. After years of wondering what the problem was, I finally have confirmation of my opinions and feelings about my son. David, it seems, is indeed learning disabled. However, his disability is very slight, making it even more difficult to discern.

From my years of experience with David, I am convinced that something must be done to make teachers, counselors, principals, and all those who work with children aware of what a learning disability is. These people must be able to recognize these children when they are confronted with them. We are losing these children because their problem goes undetected. No one, not even a child, will purposely subject themselves to frustration, defeat and anxiety day after day in a school situation where no one understands -- they drop out! Then we really lose them.

This letter is just to let you know how grateful I am for your efforts and to say I am proud to be a member of your staff on the Committee on Aging.

Sincerely,

Lorren V. Roth

Lorren V. Roth

The H.R. 1137, THE NATIONAL CONFERENCE ON LEARNING DISABILITIES AND JUVENILE DELINQUENCY ACT, which has been introduced by Congressman Claude Pepper and his thirty co-sponsors could probably become one of the most important pieces of legislation in years, and could conceivably have a very long range effect on the entire population.

The legislation at this particular time is extremely important because it will deal with problems that are not recognized in most cases until the damage has been done, and in many cases has reached a point of no return. The results are tragic to the child who is affected because it will in most cases, determine his future and have a great bearing on his parents.

Having been associated with this problem personally for the past several years I can attest to many of the problems that are not recognized. The end result of such a situation can in many cases totally wreck a very happy home environment. However if this particular bill would become law, these problems could hopefully be made a thing of the past and eliminated for future generations.

HOW THE PROBLEM BEGINS

My wife and I after seven years of marriage and no children decided to adopt a child and received a beautiful son, aged 2-1/2 months. During early childhood he was the perfect child. He was very disciplined, very happy child who was also very healthy and appeared to be a normal growing child who would lead a normal growing up period that would lead to a normal happy future. The problems began to show when he entered school, a pattern of behavior that indicated that he must be the center of attention by becoming mildly distractive by constantly talking in the classroom. However, after school he would become very passive once again.

Throughout the coming school years, the problems became more serious and the behavioral problems led to the learning disabilities because he became more and more disruptive to the class and had to be excluded from the classroom as a result. When he constantly became excluded from the classroom, the classes would continue without him, thus resulting in his falling behind the other class members in his school work and his becoming more frustrated in his every day life, as well as in school.

Each session that was held between the parents and the teachers was always "your son has the ability to do the work, (which we already knew) but he won't behave in the classroom. He is constantly talking, he won't do the work that is assigned to him, etc., etc.,". All the time he was not learning nearly what he should have for his age, yet he continued to be promoted by the school system because, to quote one school principal, "we know he has the ability to do the work so we won't hold him back a year." Although we vigorously objected to this, the principal would not hold him back, although we told him that he would not be able to do the next year's work in a higher grade if he is unable to do the work in his present grade. Over our objections and the school officials saying, "it is just a stage he is going through and he will outgrow it," he was promoted.

Why should we be alarmed and stunned when a survey is made public that students graduating from high school cannot read the label on a can of soup or comprehend the job application or have the slightest idea of how to complete it. We should be irate, not shocked that we have stood by and allowed the school systems become what they are today, allowing the students to control the schools as they see fit, rather than supplying the guidance and the curriculum that they need to survive in the world.

No longer can these problems be looked upon as "it is just a stage he is going through and will outgrow it," we must be able to recognize the problem and most important we must be willing to face the fact that it is a true problem and not a "stage." It is a problem that must be dealt with at an early age.

Not all people are blessed with the ability to grasp and understand what they hear or read for the first time. Many of us must study a subject over and over in order to get the most of what we should. When a small child enters school and is faced with this problem he becomes frustrated, sometimes hostile, develops disruptive behavior and generally becomes more of a discipline problem.

WHAT ARE THE ANSWERS TO THE PROBLEMS

As our son grew older and the behavioral problems began to increase with greater frequency at school, the pattern of behavioral difficulties began to increase at home. I must say that I too began to feel that my wife was exaggerating his behavioral problems when I was not at home, and that she did not understand boys, since she had no brothers and had only been around girls growing up. However his problems increased and we began to see a change taking place in our everyday lives as a result. We became frequently involved in arguments which usually occurred over something that our son had done.

Eventually this behavioral problem became evident to our friends and some close friendships faded into the past. Because this pattern had become obviously a problem that threatened not only our son's future, but was beginning to strain our own relationship, we contacted our family physician who recommended a psychologist who worked with him on numerous occasions with some small improvement noted. However the psychologist found him to be a normal healthy child of average intelligence, who was slightly hyperactive. He did not feel that he needed to be placed on any medication at that time.

Unfortunately the problems continued as he grew and moved further on into the school grades. Not only did he fail to show improvement into his studies, his discipline problems became more serious. Out of desperation we took him to see a psychiatrist who after approximately 45 minutes said that he was reaching puberty too fast and could not handle his present problems successfully. At his recommendation, a series of tests were set up for, brain scan, EEG, skull X-rays, hearing test and eye examination. The result of this testing was that there was no organic brain damage, but he did need glasses.

However we did, on the advice of the psychiatrist set up an appointment with a psychologist. In my own personal opinion, this was a total waste of time and money. For example our son responded to a question, "what would you do if your parents sent you away to a military school?" His response to that question was something like, "I would probably kill myself." Right away this man called me in and said, "do you know that your son is suicidal?" My son was 10 years old at the time. In my opinion if every person who ever made a statement that he would kill himself or herself was suicidal, then about 3/4 of the world would be "suicidal."

After a period of time seeing this man three times a week, he decided that he would give us an assigned time each week which regardless of whether or not we could keep the appointment we would be billed. When I informed him that my job was not one that permitted me to absolutely control my hours and would not pay for an appointment we could not keep, his response was, "well it is obvious you cannot afford me," and suggested that there were other services available through the county. His diagnosis of the case: our son was suicidal, and we could not afford his services.

It was about this time that Prince Georges County established a school for children with behavioral and learning disability problems. After extensive studies and meetings of various school groups our son was accepted into the day program which entailed a one hour bus ride each way. As a result of this arrangement, little progress was noted in the problem, even with a more relaxed program during the summer months. Unfortunately the summer months began to create more serious problems in his behavior and we began to seek help to have him committed for the help that we felt he really needed. Again the county recommended the same school only this time in a residential program which they had not been ready for previously. The facility was clean and well kept, but was not structured to deal with the problems. The discipline was very lax and as a result manifested the problems, instead of correcting them. Eventually the staff at this school said they could no longer handle our son's problems and decided that he needed to be placed in an institutional atmosphere where he could be more closely supervised.

INSTITUTION CARE

We were recommended to the Psychiatric Institute of the District of Columbia where we were able to have our son admitted on an emergency basis and where they also have a school program to insure that the children have the opportunity to continue their education without undue loss of the educational process which many state-run institutions fail to provide. We were both completely frustrated at this point and we would have settled for almost any remedy. Also the very capable young lady who had worked with our son during the time he was in the county-run facility had been instrumental in aiding us in getting our son admitted to the Psychiatric Institute. She too had become totally frustrated and despondent by this situation.

During the months that he has been confined to the Psychiatric Institute we have seen an amazing change. Not only have we seen a change in his behavior and attitude, but the improvement in his school work has probably been the most pleasing. Our greatest problem previously is that he would walk out of the classroom and not do his work. Now he stays in the classroom, does his work, does the work correctly then helps the other students who are having difficulties with the work. After his 12th birthday and continued improvement in school, it was decided to try him in three junior high classes, and he has handled these equally as well.

DO LEARNING DIFFICULTIES AND BEHAVIORAL PROBLEMS LEAD TO JUVENILE DELINQUENCY

The answer to this in my opinion is most definitely yes. The problems we had with our son were many. He had been smoking for a number of years, he had stolen money from my wife and I, his babysitters and other relatives, and would lie about it later. Often he would do things out of impulse, realizing afterward that what he had done was wrong then he would lie about this to cover himself. He was also under the impression that if he had money to buy candy, cigarettes, etc. for the other children they would be his friends. Other problems were running away from home, which he did three times, playing with matches and setting fires. Had we allowed this pattern of behavior to continue it would have only been a matter of time until he committed a more serious offense and ended up in juvenile court as a defendant.

When children have difficulty in school learning, they become disruptive to other students to teachers who do not recognize his problem and are apt to look to other methods to handle the problem. Several years ago a neighbor of mine told me that both of her parents were teachers and that some of the students were to disruptive and didn't want to learn that the student s that did want to learn were being affected. Their remedy was to bring comic books to school for the disruptive children so that they could teach the others.

Several years later, I had received an assignment to a school for a shooting. A teacher had been shot to death in her classroom by her ex-husband. While examining the crime scene, I noticed that several desks located in the back of the room had open comic books while the rest had open text books. This is not the answer to the learning difficulties or the behavioral problems of children.

When the children with these problems are constantly placed on suspension from a school because of their behavior they fall further behind in their school work therefore manifesting the problem. Eventually, if this is looked at by school administrators as the answer to the problem, the frustration of the child will not be eased but will be magnified. The end result will be that the child will become a juvenile delinquent without guidance or motivation.

OTHER PROBLEMS

Some of the other experiences that we as parents have encountered with our son that no doubt have been noticed by other parents who care, is the relative indifference we have encountered with business people. For example our son took $20.00 from us and spent a good portion on candy for his friends. When I confronted the manager of the store about a 10 year old boy spending that kind of money for candy, he just shrugged his shoulders and said, "he is a good boy," he never did give me an answer as to whether or not he thought it strange that a 10 year old boy would have $20.00 for candy. This same man was also selling cigarettes to my son as well as other children in the neighborhood who were also under age. Even the district manager's attitude was similar when I called to complain about this problem. Their only answer was that parents send young children to the store to get cigarettes for them and if they didn't give them the cigarettes the parents would be upset and it would be bad for business.

These same business places also allow under-age kids to hang around and play pinball machines creating a nuisance to other patrons and usually wasting money that could be put to better use. If a parent refuses to give a child money to play the pinball machines he will steal money from his parents or others. Even though there is an age limit as to how old a child must be to play these machines, the employees never challenge any of the children as to their age. This type of attitude by business people will only help to create juvenile delinquency.

One of the largest problems that we face today whether we want to admit to it or not, is the permissive parent or the parent who makes excuses for the child instead of meeting the problem head on. A couple of years ago I was introduced to a young boy that my son knew in the neighborhood. My son wanted him to stay for lunch, which was agreeable with me and while we were in the car on the way to the store, my son said, "hay dad, he has a real 25 caliber gun." When I asked him if this was right he said yes, and removed a real 25 caliber automatic from his pocket which at this point I was looking down the barrel of. I took the gun away from him and checked to see if it was loaded. Fortunately it was not, and when I asked him where he got it he said that he had found it in the woods. The gun was in almost new condition and there is no way he found it in the woods. I contacted his parents and his mother acknowledged the fact that he had a gun some weeks earlier and he had told her that he had gotten the gun from another boy. She said that she had told him to take the gun back and thought that he had. She described the gun that he had and it was the same one that I had taken away from him. Later that same day his father came by our house and left a note in the mailbox explaining to me that the first story his son had told about finding the gun in the woods was correct. True the gun was unloaded at the time, but had he been able to get ammunition the story could have been tragic as we have seen many times before. Making excuses and failing to keep tabs on children in cases such as this help to create delinquency problems.

COSTS AND RED TAPE

When a child such as ours begins to develop the problems such as he did, the expense is staggering. Fortunately we were lucky enough to have insurance that covers such treatment as he is now undergoing for a full calendar year. However, the schooling is not covered by insurance. Although the public school system had recommended his placement in the institution and had documentation covering his entire school career from day one, the school board did not complete the paper work until March 8th of this year to send the recommendation to the state board in Baltimore. It took another month before they came to the decision to authorize payment of the tuition and then sent a letter to the county telling them to make the payments from November of last year to July of this year. With all the documentation that was available to these people it is ridiculous that it took six months to clear. In the meantime my wife and I have been responsible for paying the tuition. At the present time, the total bill for the hospitalization, doctor and school is approximately $35,000. The results we have seen make it well worthwhile since we now are able to be relaxed in knowing that our child will now grow up to be a good citizen with opportunities to complete his education in the proper manner. Had it not been for our insurance, we have no idea how we would have been able to finance this, but we would not have stood by to see him ruined at his early age and eventually going to jail.

Unfortunately most people are not lucky enough to have insurance with such extensive coverage, and many will not face up to the fact that a child has a problem until it is too late. If a child is allowed to continue without help until be becomes older, the more difficult it becomes for him to be helped.

WHAT CAN BE DONE TO RECOGNIZE THE PROBLEM

After being pushed from piller to post so to speak, over the years, and having very little or no results until we went to the

Psychiatric Institute, it has become very obvious to me that there is a dire need for training in the medical and social work fields especially for people who want to specialize in the psychiatric field. It would also be beneficial to future teachers to be trained to recognize the symptoms because they are the ones who are with the children when a majority of the problems begin to show.

My wife and I are delighted that this problem is finally being recognised on the national level by the introduction of this bill, and we both support it wholeheartedly. It is a problem that has been overlooked too long and a problem that is every growing. Millions of children regardless of their backgrounds and social standing have been affected by this learning disability and behavorial problem. It is a problem that must be brought to the attention of the public because we did not understand what it was all about until we had the problem.

My wife and I are very willing to devote our time and energy to any project that comes out of the legislation. Having been in law enforcement work for almost twenty years I can see the benefits of this bill from two sides, that as a parent and as a police officer. The long range results of such a bill would be a noticeable decrease in juvenile delinquency and a better educated young man and woman wh will become productive leaders instead of dependant adults or criminals.

Jack B. Hill
11420 Carroll Avenue
Beltsville, Maryland 20705
(Detective, Metropolitan Police
Washington, D. C.)

Mr. **Andrews**. We are happy to have had you here.

Mr. **Pepper**. Thank you, Mr. Chairman.

Mr. **Andrews**. Next we have Congressman Jim Santini from Nevada.

We look forward to hearing from you as briefly as you can afford to make it. Your full statement will be entered in the record.

STATEMENT OF HON. JIM SANTINI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. **Santini**. Thank you. I appreciate the opportunity to appear before you and share my views on H.R. 1137, a bill I cosponsored which will amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for a National Conference on Learning Disabilities and Juvenile Delinquency. This bill represents an important step toward understanding and preventing the outrageous increase in crime generated primarily by our Nation's youth.

Some of what I have to say will draw in substance from the committee record on this issue related to my experiences as a former district court judge, JP, court defender, potential juvenile delinquent —I suppose some would assert that potential was realized. In any event I think this is a matter of significant importance that seems to get lost in two sort of conflicting cross currents. On the one hand, we have the desirable sort of emphasis being placed within the criminal justice system; that is, to do something to divert the potential juvenile delinquent from being stuck behind bars as a rational solution to juvenile problems.

On the other hand, we have education working vigorously to sort out the basic learning problems which have been experienced. The chairman has seen over the years many kinds of federally emphasized programs which assist in this area.

I hope this can bring into confluence concentration on the overlapping nature of the problem that it is both criminal and education.

The State of Nevada, within the context of a population in excess of 600,000, is realizing the opportunities to reach out, spot the problem—the learning disabilities—and find the solution.

From my service as a district court judge, it has been in the urban centers. Here the system is compounded with the complexity of social and political problems. And certainly education is part of that.

The Juvenile Justice and Delinquency Prevention Act of 1974 was designed with the principal objective of diverting youth from the jailhouse and trying to put them in a productive capacity.

We have a long way to go, Mr. Chairman—I am sure you appreciate that far better than most—in resolving that kind of dilemma.

We have sort of patchwork, haphazard, willy-nilly kinds of policies that may exist in Nevada in a limited sphere. In Nevada, a small population State, individual pilot programs operate in urban centers with varying degrees of success. But there is no uniform focus and concentration of any kind on the problem.

I think my service on the Select Committee on Aging has brought into focus the particular emphasis on this problem as it impacts on the aging of this country.

The Select Committee on Aging recently approved a report prepared by the Subcommittee on Housing and Consumer Interest, of which I am a member, entitled "In Search of Security: A National Perspective on Elderly Crime Victimization."

The report suggests the serious dimensions of this problem. In Boston, for example, elderly victims of crime are more frequently held up by robbers between the ages of 10 and 19. In Wilmington, Del., a recent example showed 85 percent of those arrested for committing crimes against the elderly were between 12 and 21 years old. In Kansas City approximately 60 percent of the offenders were teenagers. In Baltimore, 43 percent of the crimes against the elderly were committed by juveniles under the age of 18.

There is a distressing correlation between juvenile crime and the victim being the senior citizen. I would hope that the legislative proposal you are examining this afternoon and will consider in depth at a later date will offer rational examination of this kind of problem.

The National Institute of Mental Health has established that a learning disability is the greatest single reason children drop out of school, at a rate of 700,000 a year. And 75 percent of these children find themselves in juvenile detention centers.

Those who are deficient in perhaps learning or in social opportunity are labeled as criminals. I think the justice system is moving ponderously, but I hope moving toward getting the criminal label off the educationally disabled. That probably is the indicia of criminal activity that we have in this country in terms of youthful offenders. The youthful person who can't cope in school is the prospective youthful offender.

The policeman, the probation office, the judges, or those not having the training in this area, don't have the time or money to cope. Typically in most of our urban centers they are virtually turnstyles of administration of justice. They are trying on a mass basis to reach out and cope with the problem rather than resolve it.

I think a national focus is desperately needed in this area.

The subcommittee believes that if efforts toward preventing delinquency and other negative effects of learning disabilities are to be successful, it is paramount that all facets of the community with whom the disabled interact must be sensitized to the symptoms of their problems.

This shared knowledge should be incorporated into the curriculum for teachers, social workers, probation officers, and all those involved in the juvenile justice system.

Thank you, Mr. Chairman, for considering my views on this subject.

[The statement of Congressman Santini follows:]

STATEMENT OF

CONGRESSMAN JAMES D. SANTINI

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
OF THE EDUCATION AND LABOR COMMITTEE

HOUSE OF REPRESENTATIVES

CONCERNING H.R. 1137

April 22, 1976

I want to thank the Chairman and Members of this Subcommittee for extending me the opportunity to appear before you today to present testimony in support of H.R. 1137, a bill I cosponsored which will amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for a National Conference on Learning Disabilities and Juvenile Delinquency. This bill represents an important step toward understanding and preventing the outrageous increase in crime generated primarily by our Nation's youth. ①

Much of what I have to say will draw upon my experience as a Representative from the State of Nevada, as a former District Court Judge, and as a Member of the House Select Committee on Aging.

You will be interested to learn that the State of Nevada's Department of Education is concerned about the negative effects currently recognized as associated with learning disabilities that remain undetected and therefore untreated — and Nevada is doing something about it. Currently, we are funding over 200 programs which have been designated to provide services for students with learning disabilities. Also, the University of Nevada, with campuses at Las Vegas and Reno, provides training for teachers who work with students who are identified as learning disabled. Additionally, the Nevada Department of Education and the Special Education Department at the University of Nevada have collaborated with the National College of State Judiciary to conduct conferences. Judges come from every state to attend training sessions, which include information on learning disabilities as it relates to juvenile delinquency. The magnitude of this problem is just beginning to be realized not only in the State of Nevada, but across the country.

The Juvenile Justice and Delinquency Prevention Act of 1974, which you will recall was enthusiastically endorsed by both Houses, embodied the principle of diverting youth from the juvenile justice system, whenever possible. It also recognized that while efforts must be directed at preventing delinquency, there was an equal need to deliver services and attention in such a way and at such a time as to prevent the development of criminal careers.

I support this principle. As a former District Court Judge, I have found that simply putting youths behind bars without any knowledge of disabling conditions--such as learning disabilities which could be a contributing factor in the youth's involvement--does not meet their needs nor those of society. Judges and all court personnel need to know more about the conditions of learning disabilities. We need to know how to better identify the learning disabled, both in the educational process and at the point where he or she enters the judicial system. Lastly, we need to know what services might be most appropriately provided when these youth are brought before the attention of the court.

As a member of the Select Committee on Aging, I again state my support for H.R. 1137. I have already related the problems relevant to learning disabilities and its correlation with juvenile delinquency. This becomes of major import when one recognizes that most of the crimes perpetuated against the elderly are committed by juveniles.

The Select Committee on Aging recently approved a report prepared by its Subcommittee on Housing and Consumer Interests, of which I am a member, entitled "In Search of Security: A National Perspective on Elderly Crime Victimization." ①

This report clearly documents that the youth of America are attacking, stealing from, and generally victimizing the old. Statistics from various cities in the United States attest to this:

Boston: Elderly victims of crime are more frequently held up by robbers between the ages of 10-19.

Wilmington, Delaware: An arrest-related sample showed that 85 percent of those arrested for committing crimes against the elderly were between 13-21 years old.

Kansas City: Approximately 60 percent of the offenders were teenagers.

Baltimore: Forty-three percent of the crimes committed against the elderly were by juveniles under 18.

These four cities merely represent a microcosm of the situation as it now exists across the nation.

Further, the National Insitute of Mental Health has established that a learning disability is the greatest single reason children drop out of school--700,000 each year--and 75 percent of these children find themselves in juvenile detention centers.

As the learning disabled youth enters the law enforcement or judicial process, a host of additional problems come into being. The policemen , the probation officer, and the judge, who have not had special training in this area, cannot recognize the subtle symptoms of this disability. As a consequence, the learning disabled offender continues to be more handicapped by our society's ignorance of his problem than by the learning disability itself. The Subcommittee believes the best hope for reducing crime against the elderly is to reduce juvenile delinquency and youth crime.

In addition, the Subcommittee believes that if efforts toward preventing delinquency and other negative effects of learning disabilities are to be successful, it is paramount that all facets of the community with whom the learning disabled interact be sensitized to the existence and symptoms of their problem. This shared knowledge should be incorporated into the curriculum for teachers, social workers, probation officers, and all those involved in the juvenile justice system.

A National Conference is the most propitious mechanism, with demonstrated potential, for broadening public awareness regarding the negative effects of undetected learning disabilities and for identifying barriers which prevent these youth from receiving needed services. ②

In closing, I would like to thank the members of the Subcommittee for affording me this opportunity to express my support for this legislation.

Mr. ANDREWS. Thank you, Mr. Congressman, we appreciate your fine statement.

Next we have four persons who appear jointly. That is Christopher M. Mould, Flora Rothman, Lenore Gittis Mittelman and William Treanor.

PANEL PRESENTATION: CHRISTOPHER M. MOULD, GENERAL COUNSEL, NATIONAL COLLABORATION FOR YOUTH; FLORA ROTHMAN, JUVENILE JUSTICE TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN, INC.; LENORE GITTIS MITTELMAN, DIRECTOR, JUVENILE JUSTICE PROJECT, CHILDREN'S DEFENSE FUND, INC.; AND WILLIAM TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT

Mr. ANDREWS. I would ask that whichever would like—would you introduce yourselves and proceed?

This is a bit embarrassing but we have a time limit for the total witnesses and I hate to omit the last two or three and the only way we can avoid that is to stick to the schedule.

We hope the four of you can finish your testimony hopefully by 3 o'clock.

Whatever order you chose, do you have a chairman? Flip a coin, or what?

STATEMENT OF CHRISTOPHER M. MOULD, GENERAL COUNSEL, NATIONAL COLLABORATION FOR YOUTH

Mr. MOULD. I am general counsel of the National Collaboration for Youth and I thank the chairman for this opportunity to appear before the committee today.

We are greatly appreciative of that.

I might say I am here in a representative capacity beyond my own organization. About 4 years ago 12 national youth serving organizations came together out of a mutual concern for prevention of delinquency in this country, which was mushrooming and is continuing to mushroom.

Today I am here representing Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., 4-H, Future Homemakers of America, Girls Clubs of America, Inc., Girl Scouts of the USA, National Board of YWCA, National Council of YMCAs, National Federation of Settlements and Neighborhood Centers, National Jewish Welfare Board and Red Cross Youth Service Programs.

As you are aware, these organizations have been helping youth for decades.

I will try to summarize the basic points in the statement we have given the chair.

I will start out by not doing another litany of the scale and scope of the nature of the problem. I think you have an ample on the record already.

We are convinced that this act, which now needs renewal, when it was passed was landmark in its quality and the opportunity it then presented to the country to start doing something about this massive problem. We think it would be equally landmarked if it is not renewed and extended.

Our organization would specifically recommend that the Juvenile Justice Act be renewed and extended for an additional 3-year period.

My statement would include support for renewal and extension of title III, the Runaway Act portion. We think we are just beginning to see the system start to take hold using the tools that this act represents to make a dent on this service problem.

However, money is at the heart of more progress and we feel that the appropriations to date measured against the authorizations for the past 3 years have been pale and anemic and are inconsequential measured against the scale of the problem.

I think you will find in my prepared statement the appalling fact the Government is directly spending on sport fish and wildlife protection infinitely more than on this problem, which, as Congressman Pepper just testified, may be costing upwards of $15 billion a year in terms of vandalism and crime.

We think in terms of the authorization that we would recommend for the next 3 years, authorization levels of $150 million the first year, $175 million the second and $200 million the third year. This will begin to put us in the ball park as far as the scale of dollars needed to seriously address the problem. We would suggest to the committee we need to keep our eye on the appropriation level for the Safe Streets Act.

As you are aware, there is a so-called maintenance provision imposed on that act by the Juvenile Justice Act whereby 19.5 percent of that appropriation each year must go to juvenile justice programs because that is a percentage.

If the downward trends of LEAA Safe Streets Act appropriations continue, that obviously will affect the total pool of funds to be used for delinquency prevention purposes.

We hope the committee will bear that in mind and see to it that that does not happen.

We specifically oppose any relaxation at all of the requirements in the Juvenile Justice Act that requires States to deinstitutionalize status offenders within 2 years of their participation of the act.

We feel a relaxation at this time would be a backward step and perhaps cause a sensation or relaxation towards accomplishing that worthy objective.

We are concerned from great experience through our local affiliates as well as nationally, with the level of financing in a given award. Specifically we are recommending that nonprofit, private sector organizations that undertake programs under this act be allowed 100 percent financing.

Our organizations today face real problems in terms of staying alive financially. In many cases we are existing in part under reserves from LEAA assistance programs. If that funding diminishes, juvenile justice expenditures will also diminish.

We must find a way of securing alternate financing between the typical 10-percent cash hard match up front combined with that need 2 or 3 years down the pike. It has substantially impeded our efforts in the kind of activities this act contemplates.

I think I will stop there and thank you for your attention and this opportunity to testify.

[The written statement of Christopher M. Mould follows:]

STATEMENT

by

National Collaboration for Youth

before

Subcommittee on Economic Opportunity

United States House of Representatives

April 22, 1977

On behalf of the following organizations

Boys' Clubs of America
Camp Fire Girls, Inc.
Girls Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Council of YMCAs
National Federation of Settlements
& Neighborhood Centers
National Jewish Welfare Board
Red Cross Youth Service Programs

Presented by

Christopher M. Mould
General Counsel
National Council of YMCAs

Mr. Chairman, on behalf of the National Collaboration for Youth, I want to thank you and the Subcommittee for the invitation to testify before you on H.R. 6111. We welcome the opportunity to share our views on juvenile justice and delinquency prevention - a matter of increasingly critical importance to this nation. This testimony is endorsed by the organizations listed at the conclusion.

Indeed, it was a mutual concern over escalating delinquency and the future of young Americans that led twelve national youth serving organizations to join together as the National Collaboration for Youth about four years ago. The member organizations are:

cery Boys' Clubs of America
Boy Scouts of America
Camp Fire Girls, Inc.
4-H
Future Homemakers of America
Girls Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Board of YWCA
National Council of YMCAs
National Federation of Settlements & Neighborhood Centers
National Jewish Welfare Board
Red Cross Youth Service Programs G

Our organizations collectively are serving in excess of 30 million boys and girls from a diverse and broad cross-section of this nation's young people from rural and urban areas, from all income levels and from all ethnic, racial, religious and social backgrounds. We cite this to help you recognize that our organizations represent valuable resources that can be tapped in cooperative ventures with federal leadership and funding. We have the experience of working with children and youth, many of whom are poor -- poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

We have the expertise of tens of thousands of full-time professional staff, both men and women, who believe in the importance of their work in youth development, who are particularly committed to the need for diverting children from our outmoded American juvenile justice system.

We have the service of hundreds of thousands of volunteers, men and women dedicated to helping young people grow and develop into contributing citizens in their own right. They are people who realize that this is the only next generation we've got.

We also have the support of hundreds of thousands of concerned business and professional leaders across the country. These people serve on our local and national boards of directors. These are men and women of substance, who genuinely care and actively support programs designed to help the youth of America.

And we have billions of dollars in capital investment in equipment and facilities. Billions of program dollars have been expended by our organizations. But only within the last decade have we fully recognized and begun to focus on the youth who are most troubled and alienated. We have had to broaden our more traditional approaches to begin to include concentrated efforts with those in the greatest need. Through national leadership turning the spotlight on the problems of the poor, we have increasingly used our resources to provide positive program opportunities and environments for a wider spectrum of young people. With the addition of adequate federal leadership, direction and funding, these resources could be multiplied many times over in their effectiveness in reaching girls and boys who most need help.

Our first priority, at the inception of the National Collaboration for Youth, was enlisting the Federal government in a comprehensive effort to prevent and treat youth delinquency. Legislatively, our hopes were fulfilled in 1974 with enactment of Public Law 93-415, in significant measure a tribute to the leadership of Congressman Augustus Hawkins.

It is of course that Act, the Juvenile Justice & Delinquency Prevention Act, which expires this year and H.R. 6111 would renew and extend.

Mr. Chairman, we strongly endorse the renewal and extension of P.L. 93-415. We would urge the Congress to make this extension at least three years in duration.

The need for this legislation is, if that is possible, even more profound now than at the time of its original enactment. The news media provide us with an hourly and daily litany of school violence, substance addiction, gang resurgence, vandalism and violent crime sufficient to persuade even the most casual observer that this country is failing on a massive scale to meet the needs of its young people. The price being paid in terms of deaths, injuries, property damage and, most important, wasted human potential is staggering.

The price in taxes for school security and repair, for increased police manpower, for incarceration facilities and correctional personnel, etc., is itself of monumental proportions.

While the Juvenile Justice Act is no panacea, it does provide a Federal commitment for the first time to address youth delinquency and its prevention head-on. It does provide the tools with which we can start to fashion services and programs for young people to maximize their positive human development. It does mandate the collaboration of the public and the private sectors on prevention and treatment of delinquency, a partnership indispensable to any progress. It does put the Congress on record as saying that prevention is the indisputable key to the reduction and elimination of youth delinquency. It does authorize desperately needed funds.

Has the full potential of the Act been proven since its passage? By no means. The time has been too short and the appropriations too small. Moreover, the previous Administration was actively opposed to funding of the Act and in numerous ways administratively delayed and impeded implementation of the Act. Furthermore, many states opted not to participate in funding under the Act because the appropriations were so small that the allocable dollars did not justify the required administrative and programmatic efforts.

Remarkably, almost three years since the Act was passed, LEAA has yet to award its first grant specifically for prevention of delinquency!

On the positive side, the Act has induced numerous states to make definite progress toward the deinstitutionalization of status offenders. The requirement of the Act that participating states complete that process is, in our view, both sound and of major importance. We do not favor a relaxation of the existing deinstitutionalization requirement, confident as we are that LEAA can and will be reasonable in its enforcement thereof.

The Act has served to initiate a valuable planning process in participating states, to identify needs, to set priorities and to allocate resources specifically to prevent and treat delinquency. As required by the Act, that planning process is beginning to bring together the public sector and the private non-profit sector, a too rare event in the annals of criminal justice planning.

LEAA funding has enabled ten of the Collaboration's member agencies and six other major national voluntary agencies to jointly undertake, with their respective local affiliates, action to build up the capacity of the private voluntary agencies to deliver needed community based services, in partnership with public agencies, to status offenders in Tucson, Arizona; Oakland, California; Spokane, Washington; Spartanburg, South Carolina; and a service district in Connecticut.

The progress evident at these and other sites toward deinstitutionalization of status offenders would not have occurred absent the Act's requirement. Retention of that requirement and development of these public/private partnerships to enhance capacity to deliver a variety of supportive services to status offenders is critical if deinstitutionalization is to be achieved and if status offenders are to have their chance to become positive and responsible members of society.

Without the renewal of P.L. 93-415, Mr. Chairman, such approaches to prevention and treatment of delinquency will wither on the vine. The beginning of hope for the future of many young people will sputter out if this landmark legislation is allowed to expire, erasing a vital Federal commitment to young people and depriving promising initiatives of the wherewithall to continue.

We are, of course, heartened by the new Administration's proposal to renew the Act for another three year period, following its recommendation to maintain Fiscal Year 1978 funding at the $75 million level of Fiscal 1977 instead of the prior Administration's proposal of $35 million.

The subject of funding for implementation of the Act has greatly concerned us from its enactment and continues to do so. The appropriations made so far pale in comparison with authorization levels. As indicated earlier, a significant number of states either delayed participation under the Act or opted not to participate because the available funds were not worth the effort.

Mr. Chairman, this government directly spends more money annually on sport fishing and wildlife than is appropriated for this Act which is focused on helping and protecting our very own children. The annual expenditure per capita to incarcerate a juvenile offender far exceeds the cost of a year at Harvard University! We spend infinitely more on processing and jailing offenders than we do on preventing the offenses from occurring.

Our spending priorities are not supportable when we look at what is happening to our young people who are our only future.

We urge your leadership to secure authorizations of $150 million, $175 million and $200 million respectively to fund the Juvenile Justice Act for the next three fiscal years. Such levels will hopefully induce non-participating states to elect to participate and will begin to allow a level of effort commensurate with the scale of the nation's delinquency problem.

We would respectfully point out to this Subcommittee that should there be an erosion of the dollars available for juvenile justice expenditures under the Omnibus Crime Control and Safe Streets Act, the recommended authorization levels for the Juvenile Justice Act would, to that extent, be less than what is needed. This is a very real concern of ours since the "maintenance of effort" requirement earmarks a percentage of the total Safe Streets Act appropriation for juvenile justice rather than a specific sum. Accordingly, if the downward trend of the Safe Streets Act appropriations continues, the amounts earmarked for juvenile justice expenditure will correspondingly diminish. We need your leadership to assure that this does not work to reduce, rather than increase, the aggregate dollars available for juvenile justice initiatives.

Related to the critical subject of dollars is the issue of so-called matching requirements under Section 222(d) of P.L. 93-415. Our organizations and our local affiliates have experienced LEAA imposition of a hard cash 10% match. In many cases this has either made the undertaking of new initiatives impossible or in others very onerous.

In today's real world, private non-profit organizations are doing well if they operate on a break even basis. Too many are operating at a deficit and drawing on limited and dwindling reserves. Contributions and other revenues are not keeping pace with inflation. As costs escalate, our sector cannot, as business can, simply pass on those costs to the recipients of our services.

As we struggle to simply maintain our level of services, we do not have the spare cash to match a grant to enable us to initiate new services or expand established programs. Moreover, we always face the dilemma of financing the continuation of programs and services once LEAA funding terminates, which is typically two or three years from the first award. The combination of the up-front cash match and the limited duration of funding allowed by LEAA in practice, in too many cases, effectively precludes private non-profit agencies from undertaking badly needed new initiatives.

For these reasons, we would urge this Subcommittee to amend P.L. 93-415 to provide for 100 percent funding of approved costs of assisted programs or activities of private non-profit organizations.

We would also ask that this Subcommittee communicate to LEAA an intent that programs assisted under the Act not be limited to two or three years' funding provided that such programs or activities are, on the basis of evaluation, accomplishing their stated and approved objectives.

As this Subcommittee well knows, the best of legislation can founder in implementation due to the manner and means of executive administration. In the case of the Juvenile Justice Act, we have experienced ongoing problems as to the manner and means of its administration at LEAA too numerous to totally enumerate here.

In our experience, the Assistant Administrator and the Office of Juvenile Justice & Delinquency Prevention have been wholly dominated and subordinated by LEAA superstructure and the bureaucratic patterns and policies developed for administering the Safe Streets Act. The Juvenile Justice Act and the office it created, have, in practice, been treated by LEAA leadership as a mere appendage to its mainline criminal justice programs and their mandate, the Safe Streets Act. Implementation of the Juvenile Justice Act has almost been smothered in inappropriate regulations, policies, and guidelines developed for the very different Safe Streets Act program and simply engrafted onto the Juvenile Justice program and office.

We would respectfully suggest that vigorous Congressional oversight of LEAA's administration of the Act is needed. An example would be the need to assure the establishment by LEAA of a credible system for monitoring LEAA's compliance with Section 261(b) of the Juvenile Justice Act, the so-called "maintenance of effort" provision.

The Act should be amended to give the Assistant Administrator the authority to make grant awards under the Act instead of reserving that authority to the Administrator. The Assistant Administrator is presumed to have special knowledge of the juvenile justice field which the Administrator cannot be presumed to possess.

Through legislation, or other appropriate means, the initiative of Congress is needed to assure adequate staffing of the Office of Juvenile Justice generally, and particularly for the support of the Federal Coordinating Council and the National Advisory Committee created by the Act. The staff for the National Advisory Committee ought to be accountable to the Committee Chairperson. We would urge amending the Act, with regard to the states, to require that the chairperson of the required state advisory committees and perhaps one or two other members of such committees be made members of the state supervisory boards overseeing criminal justice planning. This should give greater assurance that the work of the state advisory committees is not carried on in splendid, but relatively impotent isolation from decision making.

Mr. Chairman, we are mindful that young people are the nation's greatest natural resource and that this places a special responsibility on this Subcommittee as it carries out its mandate. Most of those young people cannot vote and therefore are without a voice in public policy deliberations and decisions. This fact underscores the very crucial role this Subcommittee has in protecting the present and future of American young people. We have every confidence you will fully meet that responsibility.

Our organizations, with years of experience working directly with youth, would welcome the opportunity to be of assistance to this Subcommittee as it works to assure that young people are given the opportunity to achieve their fullest human potential.

Thank you Mr. Chairman.

This statement is endorsed by the following organizations:

Boys' Clubs of America
Camp Fire Girls, Inc.
Girls Clubs of America, Inc.
Girl Scouts of the U.S.A.
National Council of YMCAs
National Federation of Settlements & Neighborhood Centers
National Jewish Welfare Board
Red Cross Youth Service Programs

Mr. **Andrews.** If I may make one comment.

At least in general, the problem that we are running into is not being able to get funds into a State because they do not have the type of facilities you suggest. We cannot change the composition of local governments. The problem is, in part, that States such as North Carolina, where we have too many counties, and you and I cannot change that. This is a relatively small State, populationwise, with 100 counties, and you wind up with counties with as little as 6,000 or 8,000 people in them, yet they have an independent court system.

So you are saying to a State like North Carolina, you have to have such a center in that county, when it only has 6,000 or 8,000 people in it. It means building the facility, provide aid and so forth, and utilities for it, and put some kind of a staff over there when in all probability there would be very few times in the year when you would have any one in it. It is rather inconceivable that they would have such a facility. They do not have such a facility for the juvenile delinquent, let alone for the status offender.

So they would have to have a jail for the adults, and a juvenile delinquency facility of some kind for juvenile delinquents, and a third such facility, then, for these status offenders. That is three facilities to be manned, and to have restaurant services with grade A, which is required by another section of the Federal Government, et cetera, when most of the time they would have nobody in there. It becomes sort of facetious somewhere along the line.

I don't know that we can answer all the problems here one way or the other. It is very complex.

Mr. **Mould.** We are hopeful that LEAA can be reasonable in the enforcement of that requirement, assuming that it is preserved.

The other comment that I would make is this context, where there is a limited need in terms of offenders, I would hope that organizations like ours can contract with the county to provide the kind of facilities we are talking about.

Mr. **Andrews.** I would invite your organizations to make an effort to do that. Something like that may be the answer. I don't mean to imply that there should not be an effort. It seems that the way it is worded now, as it applies in those situations, it becomes rather ridiculous, really.

The better answer, probably, would be if North Carolina would amend its laws in such a way as to permit the judge in that county to cause the young person appearing before him to be sent to such a facility some place in the State, other than within the county. We cannot change the State law here, so I don't know quite what the answer is.

I wish that we had more time to work on it. This bill has to be marked up and leave this subcommittee next week, and we just engaged this problem this morning, which is obviously late.

Would the next person please proceed?

STATEMENT OF FLORA ROTHMAN, JUVENILE JUSTICE TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN, INC.

Mrs. **Rothman.** I am Flora Rothman, chairman of the Justice for Children Task Force of the National Council of Jewish Women. My remarks will be based on my experience in that role as well as a member of the National Committee on Juvenile Justice and Delinquency Prevention.

Several of the changes I would recommend in the bill, as presented, have been reflected in the Senate version of the bill S. 1021, Senator Bayh's version. Among these, as I note in my formal statement, is greater power vested in the Assistant Administrator to fulfill the responsibilities given him under the act and to extend that authority over juvenile programs funded under the Omnibus Crime Control and Safe Streets Act.

In addition to that, several items in Senator Bayh's bill refer to additional duties of the National Advisory Committee, two of which I would like to point to as being particularly needed. One would be that the Advisory Committee's recommendations, which are mandated on at least an annual basis, be directed to Congress and the President as well as the LEAA. This, I think, would considerably help Congress oversight efforts in this matter.

In addition, it would recommend that the National Advisory Committee take on the training of State advisory groups. As you know the act requires that participating States appoint such advisory groups in the area of juvenile justice. Reports from many States indicate that this is necessary if State level implementation is to be achieved.

I would like to turn now—leaving some other items in my formal statement for your later reading—to section 223, and most particularly to the deinstitutionalization of status offenders.

Perhaps no other section of the Juvenile Justice and Delinquency Prevention Act of 1974 has had such significant impact on the juvenile justice system of this country. It is the provision that finally put into action the recommendation that has been made by national commissions and authorities over many years.

I speak to this particularly because the National Council of Jewish Women in its own study of justice programs for children around the country were appalled to learn the extent to which noncriminal youngsters were locked up throughout the country.

Not only is this an injustice to children, but we regard it as a gross waste of valuable and limited juvenile justice resources. What we have been learning, since the passage of the JJDPA is that deinstitutionalization of status offenders is quite practicable where there is a commitment to do it.

In some States, the resistance of those with a stake in the status quo continues to be an obstacle. But, to paraphrase Hamlet, "The fault lies not in the law, but in themselves." I would point particularly to such States as New York State, which at one time had half of training population comprising status offenders, and at the end of January did not have one status offender in a training school.

I would point to Florida where the head of the division of youth services developed a system of volunteer beds to be available for children with crisis needs, rather than lock them up in detention centers or jails.

I would point to the State of West Virginia which although had not been originally a participant in the Juvenile Justice Act, just these past few weeks has had, (1) a Supreme Court decision in that state which barred the locking up of status offenders in secure facilities and, (2) passed a new juvenile code which expressly forbids this being done to status offenders.

It is for this reason that we feel that this provision can and should be retained. We are particularly distressed that in the attempt to compromise it, H.R. 6111 does not even define substantial compliance or reasonable time. We feel that this will encourage those States which have chosen not to even attempt this, to continue in that opposition.

I quite agree, Mr. Chairman, that you in this room cannot change what happens in the States. But I do believe that Congress can lead. One way that Congress leads is in how it chooses to spend its money. Therefore, the enforcement of that provision which would bar States receiving juvenile justice funds, I think, is a very important portion of that act.

I would go further and endorse Senator Bayh's recommendation that this withholding of funds include maintenance of effort funds as well.

Turning to funding, the effort to secure adequate funding to implement the act has been an arduous one from the beginning. The original authorization that Congress had passed has never been followed. We hope that this Congress will make every effort to provide the money necessary to accomplish the effort that it has envisioned.

We, therefore, urge that the appropriation for fiscal year ending September 30, 1978, be $150 million. The danger that Chris Mould has pointed out in the weakening of State juvenile justice efforts as LEAA funding has decreased, and therefore the maintenance of effort share has decreased, is a very real one in many States.

Therefore, I think that it is particularly necessary that the funding under the Juvenile Justice Act be raised accordingly.

Once again, may I express my appreciation for having this opportunity.

Mr. ANDREWS. Thank you very much.

[The written statement of Flora Rothman follows:]

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STATEMENT OF FLORA ROTHMAN, CHAIRWOMAN, JUSTICE FOR CHILDREN TASK FORCE OF THE NATIONAL COUNCIL OF JEWISH WOMEN

PRESENTED BEFORE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES

APRIL 22, 1977

The National Council of Jewish Women, a social action and community service organization of 100,000 women in sections across the country, has, since its inception 84 years ago, been concerned with the welfare of children and youth. In 1974, the members of the National Council of Jewish Women conducted a national survey of juvenile justice which resulted in the publication of a report, "CHILDREN WITHOUT JUSTICE."

A Symposium on Status Offenders was sponsored by the National Council of Jewish Women in 1976. The National Council of Jewish Women's sponsorship of the Symposium adds to the organization's list of prideful achievements in a most significant way. Justice William O. Douglas, in his foreword to NCJW's penetrating survey, said that, "We must as a people look to community participation; to neighborhood awareness; and to regimes of help and surveillance that lean on people other than parents and police." As an outgrowth of the Symposium, a Manual for Action was prepared and is now being widely distributed.

Subcommittee on Economic Opportunity
Committee on Education and Labor
House of Representatives
Hearing, April 22, 1977

Statement of Flora Rothman,
Chairwoman, Justice For Children Task Force
National Council of Jewish Women

Thank you for this opportunity to appear before you. I am Flora Rothman, Chairwoman of the Justice For Children Task Force of the National Council of Jewish Women. My statement is based on the experience of the National Council of Jewish Women's involvement in juvenile justice throughout the country, as well as my personal experience as a member of the National Advisory Committee on Juvenile Justice and Delinquency Prevention and as a participant in state and local juvenile justice efforts.

For the most part, these remarks will be addressed to proposed amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. National Council of Jewish Women was part of the widespread citizen effort to secure passage of the Act, so we share. with you in the Congress the desire to make its implementation effective and a true reflection of the legislative intent. It is with this goal in mind that I would like to discuss some of the proposals made in HR6111 as well as in Senator Bayh's S1021.

Under Sections 201 and 202, several differences between the two proposed sets of amendments deal with the Office of Juvenile Justice and Delinquency Prevention and its administration. Most particularly, S1021 would vest greater power in the Assistant Administrator as chief executive of the Office and would extend the Office's authority over juvenile programs funded under the Omnibus Crime Control and Safe Streets Act. Both warrant support. Reinforcing the Assistant Administrator's control over his Office is appropriate to his responsibilities in assuring implementation of the JJDPA. Including other LEAA-funded juvenile programs in the Office's responsibilities would speak directly to the Office's mandated role as coordinator of federal efforts--a role which as the General Accounting Office's study had indicated, requires strong support by Congress and the Administration.

Under Section 208, Duties of the Advisory Committee, S1021 would provide that the Advisory Committee's recommendations be made to Congress and the President as well as to the LEAA Administration. This would serve to support Congress' oversight efforts and should be included. In addition I would endorse S1021's provision expanding the National Advisory Committee's role to include the training of state advisory groups. Reports from many states indicate that such support is necessary if state-level implementation is to be achieved. I would also urge support of S1021's proposal reinforcing the Act's provision for independent staff for the Advisory Committee if the Committee is to fulfill its mandated duties.

Under Section 223, S1021 would strengthen state advisory groups' role in the development of state plans. This warrants your consideration since in the past some state planning agencies and supervisory boards have not given juvenile justice and delinquency prevention high priority. Advisory groups, reflecting public concern and relevant experience, would help strengthen efforts to deal with these areas.

Several provisions under Section 223 are concerned with deinstitutionalization efforts. Perhaps no section of the JJDPA has had more significant impact on juvenile justice than 223(a)(12), which called for the deinstitutionalization of status offenders. This provision finally put into action a recommendation made by national commissions and other authorities over many years.

I speak to this with some feeling since the National Council of Jewish Women members who participated in our original Justice For Children study were appalled to learn that non-criminal youngsters comprised so large a proportion of the children locked up in their states. Not only is this an injustice to children but in light of public concern with serious crime it is an inexcusable use of juvenile justice resources.

What we have learned since the passage of the JJDPA is that the deinstitutionalization of status offenders is quite practicable--where there is a commitment to do it. In some states the resistance of those with a stake in the status quo continues to be an obstacle. But, to paraphrase Hamlet, "The fault lies not in the law, but in themselves."

It is with this background that we urge the following:

1. That Section 223(a)(12) be expanded to include "such non-offenders as dependent or neglected children."
2. That Section 223(a)(13) emphasize the effort by including all children listed under (a)(12) among those to be barred from contact with adults in jails. Indeed, we would go further and urge that such placement be totally forbidden not merely protected by segregated cells.
3. That Section 223(a)(14) include non-secure facilities among those institutions to be monitored to assure that both the spirit and the letter of the law are observed.
4. That Section 223(c) outlining enforcement of this effort, include, in the penalty for non-compliance, withholding of maintenance-of-effort funds. Furthermore, although we would urge that the provision be maintained undiluted, as in the original Act if a compromise is to be made in terms of "substantial compliance" and "reasonable time," that these be clearly defined. S1021 suggests 75% for the former and three years for the latter. If anything we regard these as too generous.

Finally, in regard to the deinstitutionalization effort, we would suggest that it will be as effective as its enforcement is observed. Should the cut-off of juvenile justice funds to a state be warranted, it will take the strong support of a Congress which stands by its principles to see that the mandate is observed.

In regard to Section 224(a)(7), we welcome the addition of youth advocacy to the list of Special Emphasis programs, but would recommend broadening it to include matters of rights as well as services.

In regard to the development of standards, two amendments recommended in S1021 are necessary to clarify an ambiguity in the JJDPA. The deletion of the words "on Standards for Juvenile Justice" in Section 225(c)(8) and of "on Standards for Juvenile Justice established in section (208 (e)" from Section 247(a) would clarify the role of the standards group as a sub-committee of the National Advisory Committee. We assume that Congress intended to have the full Advisory Committee approve and recommend standards, not merely a 5-person sub-committee.

Although we would suggest several additional changes the above reflect our major concerns except, of course, for funding.

The effort to secure adequate funding to implement the JJDPA has been an arduous one. The original authorization recommended for the first three years has never been followed. We hope that this Congress will make every effort to provide the money necessary to accomplish the effort it envisioned. We therefore urge that the appropriation for the fiscal year ending September 30, 1978, be $150 million, with annual increments of $25 million over the next four years as recommended in S1021.

Once again, may I express my appreciation for the opportunity to present these views.

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Mr. ANDREWS. May we have the next speaker?

STATEMENT OF LENORE GITTIS MITTELMAN, DIRECTOR, JUVENILE JUSTICE PROJECT, CHILDREN'S DEFENSE FUND, INC.

Mrs. MITTELMAN. I am Lenore Gittis Mittelman of the Children's Defense Fund of the Washington Research Project, and we very much appreciate this opportunity, Mr. Chairman, to comment on the reauthorization of Juvenile Justice Delinquency and Prevention Act of 1974.

I will restrict myself to comments on a few of the issues that we have touched on in our written statement, just those issues that we consider most crucial.

We are concerned, just as the other people at the table are concerned, that the administration, H.R. 6111, and Senator Bayh's S. 1021 propose changes that seemingly undermine the act's mandate that State deinstitutionalize offenders within 2 years of submission of State plans.

The initial decision to incorporate the 2-year requirement in the statute was based upon a clear body of evidence that institutionalization of status offenders in remotely placed, large warehousing institutions, bereft of services, was totally destructive to the children and, indeed, provided them with excellent schooling in crime.

Conditions in these institutions created settings in which the truant learned well from the mugger and the runaway learned equally as well from the rapist. Both children and society were irrevocably damaged. This evidence has not changed, and the requirement for deinstitutionalization, based upon the evidence, should not change.

Nevertheless, both bills change the requirement for full compliance within 2 years by providing that substantial compliance is also acceptable if a State has made an unequivocal commitment to full compliance within a reasonable time.

This is very serious, because presently the law sets a clear standard which requires the deinstitutionalization of status offenders within 2 years, and a State in compliance only if it conforms to that standard. If a State does not deinstitutionalize within 2 years, it is in violation of the law.

However, under the proposed changes the act would essentially provide that a State is in compliance with the law even if it is only in substantial compliance. The full compliance standard becomes meaningless because it allows a state to be in noncompliance, yet still be in conformance with the law.

If a State is presently not in full compliance, the agency administering the act, the Office of Juvenile Justice and Delinquency Prevention, has the power to negotiate with the State to bring it into full compliance.

OJJDP always has the discretion to be reasonable in negotiations, and indeed must be to retain its credibility with the States. However, the requirement for full compliance gives OJJDP the tool it needs in negotiations with the States to work out compliance mechanisms.

Therefore, we oppose allowing a State either 3 years above the first

2 years, or a reasonable time after the first 2 years for deinstitutionalization of status offenders. Deinstitutionalization will never happen if the requirement is so weakened as to allow States either 5 years or an undefined period in which to accomplish it.

I would like to add here that I have recently come from a State that has just been described by Flora Rothman, New York State, which has accomplished the deinstitutionalization. It can be done.

Indeed, we believe that new legislation should strengthen the commitment to deinstitutionalize. We fully support Senator Bayh's proposal to make a State ineligible for its maintenance of effort funds under the Safe Streets Act if the State is not in compliance with deinstitutionalization requirement.

This gives LEAA a badly needed tool for negotiations with the States to bring them into compliance. The amount of funds available under the JJDPA has not yet been large enough to be effective.

A lot of people here have expressed a concern with section 223(a)(12), where status offenders must be placed in shelter facilities, whether it should remain or whether it should be changed to "may be placed in shelter facilities."

We think that it is part of a larger problem, and we should address it in that manner. We are troubled by the use of the term "shelter facilities" in that section because "shelter facilities" is not defined in any place in the act. Neither the administration bill nor the Bayh bill propose any changes in the use of the term. Used alone without any further elaboration, the term "shelter facilities" has many different meanings.

It is used to describe facilities of different sizes in both urban and rural areas. It is used to refer to facilities with different levels of security. Facilities used for different groups of children, for example, dependent or neglected children and status offenders.

Further, it applies to facilities for temporary placement prior to adjudication as well as to facilities used for both temporary and permanent placement subsequent to adjudication. Frequently there are no requirements concerning the extent and quality of services that must be provided to children placed in shelter facilities.

For the above reasons, we do not believe the term "shelter facilities" should be retained in the act. Further, we would like to propose that any substitute language describing alternative facilities where status offenders must be placed, embody the following requirements: Any alternative placement should be in the least restrictive alternative appropriate to a child's needs and within reasonable proximity to the child's family and home community. The facility should be required to provide appropriate services, including education, health, vocational, social and psychological guidance and other rehabilitative services.

It appears that both the administration and Senator Bayh are replacing this by the very proposal that people have been discussing. We believe that such a change increases the potential for the placement of status offenders in inappropriate facilities, even though the intention was to increase the alternative placement. The problem is the change would apply nationwide.

We think that this would clearly defeat one of the original purposes of the act which is to clearly limit the types of facilities in which status offenders can be placed. We believe that a better solution to the problem of increasing alternative for status offenders is to redefine the alternative facilities in which status offenders can be placed under the act.

I just would like to say a few words on one other subject, and that is on the question of children who are held in adult jails. In January of this year, the Children's Defense Fund released a study of children in adult jails. I hope that most of you have copies of that study, otherwise I will see to it that the subcommittee has it on Monday.

I will not repeat the findings that we have made in that study, I just would like to point out that the jailing of children has been condemned for over a century. It is harsh and unnecessary. It is a tragedy for any child to be held in jail. It is also a travesty because the overwhelming majority of children in adult jails are not even detained for violent crimes. They cannot be considered a threat to themselves to their communities.

In our study we found that only 11.7 percent of jailed children were charged with serious offenses against persons. The rest, 88.3 percent, were charged with property or minor offenses. Most alarmingly, 17.9 percent of jailed children had committed status offenses. That is, truants and runaways were held in jails, under abysmal conditions, easy prey for hardened adult criminals. An additional 4.3 percent of the jailed children had committed no offenses at all.

Section 223(2)(13) of the JJDPA restricts use of jails for juveniles only by providing that children have no "regular contact" with adult offenders. Our study has shown that "this prohibition cannot protect children from physical or sexual abuse any more than State laws with similar provisions have protected children in the past."

However, we have recommended that the Federal Government should set a date after which no Federal law enforcement aid will be granted to any state that continues to hold children of juvenile court age in any correctional facility, including jails or lockups.

We have recommended and we continue to recommend that the Juvenile Justice Section be amended to require state plans to include provisions for any incarceration of children in jails within 12 months.

We further recommend that section 223(a)(13) be amended by deleting the word "regular" so that all contact between children and adult offenders in correctional institutions is completely prohibited. We think there is little disagreement that children need protection from incarcerated adults. This is one way to provide them with more protection than exists under Federal requirements.

Thank you.

[The written statement of Lenore Gittis Mittelman follows:]

Prepared Statement of Lenore Gittis Mittelman, the Children's Defense Fund on Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974

I thank you for giving the Children's Defense Fund of the Washington Research Project the opportunity to present testimony on proposed amendments to the Juvenile Justice Delinquency and Prevention Act of 1974. CDF is a national, nonprofit, public interest child advocacy organization created in 1973 to gather evidence about, and address systematically, the conditions and needs of American children. We have issued a number of reports on specific problems faced by large numbers of children in this country, and will issue several more in 1977. We seek to correct problems uncovered by our research through federal and state administrative policy changes and monitoring, litigation, public information and support to parents and local community groups representing children's interests.

Our monitoring of federal programs designed to provide services for children in the areas of health, education, child welfare, child development and family support have naturally lead us to our interest in the juvenile justice system and those children caught up in it. The Juvenile Justice Division of the Children's Defense Fund, formerly in New York City under the direction of the Honorable Justine Wise Polier, conducted a study of children in jails as well as a more broadly focused study of non-delinquent children, including status offenders, who are in placement out of their homes.

It is clear to us that often children subject to juvenile court jurisdiction are the very same children who were deprived, and continue to be deprived, of those essential developmental, educational and support services that have been CDF"s traditional concern. Too often for these very same youngsters there are additional sets of problems caused by failures and inadequacies within the juvenile justice system. Thus the Children's Defense Fund approaches the Juvenile Justice Act with the understanding that a federal delinquency program cannot solve all the problems caused by the failures of the other systems that impact on children. However, we do believe that there must be a vigorous federal delinquency program that responds to the very real problems imposed upon children by the clear inadequacies in the juvenile justice system.

We appreciate the past efforts of both the House and Senate oversight committees on important issues affecting children caught up in the juvenile justice system and are grateful to have this opportunity to appear before you and offer our comments on a number of proposed amendments.

STATUS OFFENDERS (§§ 223(a)(12) & 223(c))

1. *Requirement for Deinstitutionalization within two years.*—We are concerned that both the Administration bill, H.R. 6111, and Senator Bayh's bill, S1021, propose changes that seemingly undermine the Act's mandate that States deinstitutionalize status offenders within two years of submission of State plans. The initial decision to incorporate the two year requirement in the statute was based upon a clear body of evidence that institutionalization of status offenders in remotely placed, large warehousing institutions, bereft of services, was totally destructive to the children and, indeed, provided them with excellent schooling in crime. Conditions in these institutions created settings in which the truant learned well from the mugger and the runaway learned equally as well from the rapist. Both children and society were irrevocably damaged. This evidence has not changed, and the requirement for deinstitutionalization, based upon the evidence, should not change.

Nevertheless both bills change the requirement for full compliance within two years by providing that "substantial compliance" is also acceptable if a State has made an unequivocal commitment to full compliance within a "reasonable time". Presently the law sets a clear standard. It requires deinstitutionalization of status offenders wiithin two years, and a State is in compliance *only* if it conforms to that standard. If a State does not deinstitutionalize within two years, it is in violation of the law. However, under the proposed changes the act would essentially provide that a State is in compliance with the law even if it is only in substantial compliance. The full compliance standard becomes meaningless because it allows a State to be in non-compliance yet still be in conformance with the law.

If a State is presently not in full compliance, the agency administering the act, the Office of Juvenile Justice and Delinquency Prevention, has the power to negotiate with the State to bring it into full compliance. OJJDP always has the discretion to be reasonable in negotiations and indeed must be to retain its credibility with the States. However, the requirement for full compliance gives OJJDP the tool it needs in negotiating with the States to work out compliance mechanisms.

Therefore we oppose allowing a State either 3 years above the first 2 years or a reasonable time after those first two years for deinstitutionalization of status offenders. Deinstitutionalization will never happen if the requirement is so weakened as to allow States either 5 years or a redefined period as follows in which to accomplish it.

> §223(a) "... such plan must
>
> (12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities (, but must be placed in shelter facilities). *Such juveniles must be placed in facilities that are the least restrictive alternatives appropriate to their needs. These facilities must be in reasonable proximity to the family and home communities of the juveniles, taking into account any special needs of the juveniles and shall provide the services described in section 163(1)*;[1]

Indeed, we believe that new legislation should strengthen the commitment to deinstitutionalize. We fully support Senator Bayh's proposal to make a State ineligible for its maintenance of effort funds under the Safe Streets Act if the State is not in compliance with deinstitutionalization requirements. This gives LEAA a badly needed tool for negotiating with the States to bring them into compliance. The amount of funds available under the JJDPA has not yet been large enough to be effective.

2. *Shelter Facilities* (§223(a)(12)).—This section provides that status offenders, both those charged and those who have committed offenses, cannot be placed in juvenile detention or correctional facilities but "... must be placed in shelter facilities." We are troubled by the use of the term "shelter facilities" which is not defined any place in the Act. Neither the Administration nor Senator Bayh has proposed any changes in the use of the term.

Used alone, without further elaboration, the term "shelter facilities" has many different meanings. It is used to describe facilities of different sizes in both urban and rural areas. It is used to refer to facilities with different levels of security and facilities used for different groups of children, i.e., dependent or neglected children and status offenders. Further, it applies to facilities for temporary placement prior to adjudication as well as to facilities used for both temporary and permanent placement subsequent to adjudication. Frequently there are no requirements concerning the extent and quality of services that must be provided to children placed in shelter facilities.

For the above reasons, we do not believe the term "shelter facilities" should be retained in the Act. Further, we would like to propose that any substitute language describing alternative facilities where status offenders must be placed embody the following requirements: Any alternative placement should be in the least restrictive alternative appropriate to a child's needs and within reasonable proximity to the child's family and home community. The facility should be required to provide appropriate services, including education, health, vocational, social and psychological guidance and other rehabilitative services.

It appears that Senator Bayh and the Administration both attempt to enlarge placement options under this section by proposing that "... must be placed in shelter facilities" be changed to "... may be placed in shelter facilities." In fact, we believe that such a change increases the potential for the placement of status offenders in inappropriate facilities and defeats one of the original purposes of the Act which is to clearly limit the types of facilities in which status offenders can be placed. We believe that a better solution to the problems of increasing alternatives for status offenders is to redefine, as follows, the alternative facilities in which status offenders can be placed under the Act:

> §223(a) "... such plan must
>
> (12) provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall be placed in juvenile detention or correctional facilities (,but must be placed in shelter facilities). *Such juveniles must be placed in facilities that are*

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[1] Deleted material in parentheses, new material italic.

the least restrictive alternatives appropriate to their needs. These facilities must be in reasonable proximity to the family and home communities of the juveniles, taking into account any special needs of the juveniles, and shall provide the services described in section 103(1);[2]

CHILDREN IN ADULT JAILS (§ 223(a)(13))

In January of this year CDF released its study on Children in Adult Jails. I will not repeat many of our findings since most of you have received copies of the study. However, I wish to recall for you that the jailing of children has been condemed for nearly a century as a cruel and unnecessary practice. It is often prohibited by State laws yet it persists in every region of our country. Everyday across this country thousands of children are subjected to the harsh reality of jail, too often to their everlasting damage.

It is a tragedy for any child to be held in jail. It is also a travesty because the overwhelming majority of children in adult jails are not even detained for violent crimes and cannot be considered a threat to themselves nor to their communities. In our study we found that only 11.7% of jailed children were charged with serious offenses against persons. The rest—88.3%—were charged with property or minor offenses. Most alarmingly, 17.9% of jailed children had committed status offenses. That is, truants and runaways were held in jails, under abysmal conditions, easy prey for hardened adult criminals. An additional 4.3% of the jailed children had committed no offense at all.

Section 223(a)(13) of the JJDPA restricts use of jails for juveniles only by providing that children have no "regular contact" with adult offenders. Our study has shown that "this prohibition cannot protect children from physical or sexual abuse any more than state laws with similar provisions have protected children in the past." We have recommended and we continue to recommend that the JJDPA should be amended to require State plans to include provisions for ending the incarceration of children in jails within 12 months. In addition we recommend that the federal government should set a date after which no federal law enforcement aid will be granted to any state that continues to hold children of juvenile court age in any correctional facility, including jails or lockups.

Further, we recommend that §223(a)(13) be amended by deleting the word "regular" so that all contact between children and adult offenders in correctional institutions is completely prohibited. We think there is little disagreement that children need protection from incarcerated adults. This is one way to provide them with more protection than exists under present federal requirements.

MAINTENANCE OF EFFORT (§ 261(b))

The JJDPA requires that LEAA devote 19.5% of its 1972 Safe Streets funds to juvenile justice. However, there is no mechanism that contains information nor reveals that this is happening. We propose that the Act be amended to require LEAA to establish a monitoring system to track compliance with this requirement.

MATCH REQUIREMENT (§ 222(d))

The statute presently gives the LEAA Administrator discretion to require cash or in-kind matching funds. Senator Bayh's amendments retain that discretion. However, the Administration's amendments delete the possibility of in-kind match and only permit cash match. We strongly oppose the Administration's proposal. Removing the possibility of in-kind match effectively destroys the ability of many private organizations with funding problems to apply for grants. We know that organizations, even some of the larger private nonprofits, have funding problems under present economic conditions. Further, the proposed changes handicap small agencies and organizations which are developing innovative programs and cannot secure money from financially troubled municipalities and counties. In short, the deletion of the possibility of the use of in-kind match hampers the private sector in developing and implementing the kinds of programs envisaged by the Act.

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[2] Deleted material in parentheses, new material italic.

STATE ADVISORY COUNCILS—STATE PLANNING AGENCIES (SPA'S)

There have been problems in a number of States in that SPA's have not been giving Advisory Councils sufficient opportunity to "advise and consult" in the formation of State plans. Too often SPA's have submitted State plans to Advisory Councils directly before submitting them to Washington. This is in direct contravention of the purpose of the Act in creating State Advisory Councils. Advisory Councils are to provide citizen participation in the planning process. We ask you to consider imposing a reasonable time frame upon the process, or, as has been recommended by other organizations, statutorily requiring submission of Advisory Council comments on State plans along with submission of the plan. We wish to add to this last recommendation a further condition that the SPA's be required to submit in writing its reasons for not accepting specific Advisory Council proposals.

Again, we appreciate this opportunity to present our concerns to you. We believe the JJDPA has enormous potential in aiding both States and private organizations to address the problems of juvenile delinquency and its prevention. We hope to see that potential realized.

Mr. ANDREWS. Mr. William Treanor.

STATEMENT OF WILLIAM W. TREANOR, EXECUTIVE DIRECTOR, NATIONAL YOUTH ALTERNATIVES PROJECT

Mr. TREANOR. Mr. Chairman, on behalf of the Nation's youth workers, I would like to thank you and the subcommittee for this opportunity to testify.

NYAP is a nonprofit public interest group that works, on behalf of alternative, community-based youth serving agencies such as youth service bureaus, hot lines, drop-in centers, runaway centers, youth employment programs, and alternative schools.

In other words, Congressman, a lot of these people are the folks are dealing with when these programs are funded, that are out there doing the direct service work.

With few exceptions, we strongly support S. 1021, Senator Bayh's amendments to the Juvenile Justice and Delinquency Prevention Act. We are grateful for the efforts which Senator Bayh and his staff have made to solicit input from youth workers across the country, and are gratified to see that most of our recommendations have been incorporated into S. 1021.

I wish to highlight our support of those amendments which address the following issues:

One is the requirement that the National Advisory Board on Juvenile Justice and Delinquent Prevention will include youth workers' involved with alternative youth programs and the widespread empowerment of youth workers throughout the act, so that the people who are actually providing the services have some input into the policy.

The strengthening of the powers of the assistant administrator and the addition of staff to the Office of Juvenile Justice and Delinquency Prevention. I think that this came out pretty clearly this morning. I know, all evidence to the contrary, there are some Federal government offices that are understaffed. It appears to me, since we are in daily contact with the Office of Juvenile Justice, that they are, indeed, very understaffed.

The allotment as proposed by Senator Bayh of at least 10 percent of State funds be used in support of the State Juvenile Justice Advisory Group. It is an attempt there on the part of Senator Bayh to empower the State juvenile groups so that they can get the training and support needs that they require to do an effective job in making policy in the area of juvenile justice and delinquency prevention.

Currently, the State advisory boards are not working very well as a result of a whole series of problems. Young people, for the most part, are not employed by anyone and they have to travel all the way across the State and come to these advisory board meetings, and be away from school often, and sometimes they don't get any travel allowances, so it is very difficult to get young people involved in developing the State plan.

We support special funds for youth advocacy programs and the provision of the Runaway Youth Act for coordinated networks of youth programs. I also would like to add my voice in support of the deinstitutionalization compliance requirement that is in the current bill and should remain intact.

The role of the State Juvenile Justice Advisory Group should be strengthened by mandating representation of one-third of the members of the State Advisory Board should also serve on the State Criminal Justice Planning Board. Currently there does not necessarily have to be any relationship between the two groups, so the recommendations of the State Advisory Board are often overruled by the State board.

In terms of the appropriation for the Juvenile Justice Act, once again I would support Senator Bayh's recommendation of $150 million. I think that this is a minimal appropriation, frankly. One of the reasons that we have the problem with this big infrastructure is that these programs are funded at a sufficient level to support the bureaucracy, but they are not funded at a sufficient level to support the direct service program. The first things funded are all the bureaucrats, the planning mechanisms, the things that you spoke of this morning. Then a proportionately small share of the money is going to find its own way down to the direct services. The correct solution to that problem is to increase the appropriation, and not to increase dramatically the administration.

We strongly support the Senator's recommendation to change the Runaway Act which would raise the appropriation to $25 million from the currently authorized $10 million. My feeling is that this program is serving approximately 30,000 young people a year.

I am using the figure that was quoted this morning of three-quarters of a million runaways a year, and 50 percent of them do not need the service. You are talking about one-third of a million runaways a year who do need some kind of a short-term service.

Clearly, the HEW program is reaching no more than 10 percent of the young people. So to raise the appropriation to $25 million would only serve approximately 20 or 25 percent of those young people who are in need in this very cost effective program.

We also support raising the maximum amount of the grant to a runaway center from $75,000 to $100,000, and changing the priority of giving grants to programs with program budgets of less than $100,000 to programs with budgets of less than $150,000. This act was written in 1971, and the rate of $100,000 is to keep it in line with inflation and other rising costs.

Most workers in these programs, Congressmen, are making $8,000 a year. Also, as was mentioned this morning, there is a large number of volunteers working in these programs. These are not overfunded or overfinanced bureaucratically top-heavy programs.

Finally, the Runaway Youth Act should be amended to include $750,000 funding provision for a 24-hour toll-free telephone crisis line. This national hotline would assist a runaway youth in initiating a reconciliation process with his or her family and enable runaway centers to communicate with service providers in the runaway's hometown.

This program is currently funded. It is a runaway switchboard in Chicago. It is operating, really, without the kind of congressional support that I think is important. It is a very successful program. It was highlighted on the Today show just last Monday, and it is something that is worthy of continued support from the Congress, and should be recognized as such in the Runaway Youth Act.

That concludes my remarks, and thank you again for the opportunity.

[The written statement of William W. Treanor follows:]

TESTIMONY OF WILLIAM W. TREANOR BEFORE THE HOUSE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY IN REGARD TO THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

APRIL 22, 1977

My name is Bill Treanor. I have been involved in youth work and the development of national youth policy since I founded one of the nation's first runaway centers nine years ago. I have been involved with the drafting and monitoring of the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act since 1971. For the past 3½ years I have been Executive Director of National Youth Alternatives Project. NYAP is a non-profit public interest group, that works, on behalf of alternative, community-based youth serving agencies such as youth service bureaus, hot lines, drop-in centers, runaway centers, youth employment programs and alternative schools. We do much of our work via alliance with state-wide youth work coalitions.

With a few exceptions, NYAP strongly supports S. 1021, Senator Bayh's amendments to the Juvenile Justice and Delinquency Prevention Act. We are grateful for the efforts which Senator Bayd and his staff have made to solicit input from youth workers across the country, and are gratified to see most of our recommendations incorporated into S. 1021.

We wish to highlight out support of those amendments which address the following issues:

The requirement that the National Advisory Board on Juvenile Justice And Delinquent Prevention will include youth workers' involved with alternative youth programs and the widespread empowerment of of youth workers throughout the Act.

The special insights and talents of direct service youth workers must be more effectively drawn upon if the Act is to continue to be implemented as the innovative effort which Congress intended.

The strengthening of the powers of the Assistant Administrator and the addition of staff to the Office of Juvenile Justice and Delinquency prevention.

Although former Assistant Administrator, Milton Lugar, and the staff are to be commended for a job well done, it is, unfortunately, only a "job well done" because of the limited powers of the Assistant Administrator and shortage of the staff at the Office of Juvenile Justice.

The allotment of at least 10% of state funds in support of the State Juvenile Justice Advisory Group.

We have reports of many State Juvenile Justice Advisory Groups being stifled in their performance because of limited staff support, paltry travel and per diem reimbursement for members and lack of training especially those under 26 years of age. This amendment is essential if Congress is serious about youth participation in the development of juvenile justice policy.

Special funds for Youth Advocacy Programs and Title III funds for "Coordinated Networks" of youth programs.

The funding of such programs has an especially high multiplier effect. Youth work coalitions can contribute significantly towards the development of a progressive youth serving system if advocacy funds are available.

I am submitting for the record a list of 37 of these youth advocacy networks across the country. NYAP believes these coalitions to be especially deserving of consideration and support. We believe that support by LEAA's Office of Juvenile Justice of youth advocacy programs should be of the highest priority.

The authorization of the Runaway Youth Act at $25 million for each year rather than the current $10 million.

This appropriaton level would provide for funding of up to 300 runaway centers across the country. 130 are currently funded by HEW.

Raising the maximum amount of a grant to a runaway center from $75,000 to $100,000; and changing the priority of giving grants to programs with program budgets of less than $100,000 to programs with budgets of less than $150,000.

This change is based upon computations of the actual cost of operating programs designed to provide services to runaway youth and their families. Also, the Congress should reaffirm that the purpose of the Runaway Youth Act is to provide services to runaway youth and their families and not to provide HEW with research data.

Our exceptions and additions to the Senator's amendments are as follows:

The deinstitutionalization compliance requirement should not be relaxed.

The thousands of young people whose future would be jeopardized as a result of inappropriate confinement are more important than capitulating to some state's inability to develop an effective system of community based agencies.

The State Juvenile Justice Delinquency Prevention Advisory Groups should be strengthened even more than S. 1021 proposes. The State Juvenile Justice Delinquency Prevention Advisory Group should have the right of approval over the state plan. Citizen representatives from the State Advisory Groups should be appointed to the SPA supervisory board in such numbers as to constitute one third of the board. If state governments, including the LEAA State Planning Agencies, would work in close partnership with private non-profit youth agencies, I believe that every state could participate in the Act and meet all of its requirements.

The Runaway Youth Act should include a $750,000. funding provision for a 24hr. toll free telephone crisis line. This national hotline would assist a runaway youth in initating a reconciliation process with his or her family and enable runaway centers to communicate with service providers in the runaway's hometown.

This concludes my formal remarks. I have intentionally kept my remarks brief to provide ample time to answer any questions from the members of the subcommittee.

national youth alternatives project

A LIST OF YOUTH ADVOCACY NETWORKS
(grouped by Federal Regions)

FEDERAL REGION I

Burlington Youth Opportunity Federation
94 Church Street
Burlington, Vermont 05401
Liz Anderson 802/863-2533

Boston Teen Center Alliance
178 Humboldt Ave.
Boston, Massachusetts 02121
Rodney Jackson 617/442-1055

Connecticut Youth Service Association
c/o Bloomfield Youth Services
Town Hall
800 Bloomfield Avenue
Bloomfield, Connecticut 06002
John McKevitt 203/243-1945

Connecticut Host Home Association
2[illegible] [illegible]lley Street
Willimantic, Connecticut 06226
Fr. Malcolm MacDowell 203/633-9325

New Hampshire Federation of Youth Services
c/o The Youth Assistance Project
1 School Street
Tilton, New Hampshire 03276
Lily Gulian 603/286-8577

FEDERAL REGION II

Coalition of New York State
Alternative Youth Services
1 Lodge Street
Albany, New York 12207
Newell Eaton 518/434-6135

Garden State Crisis Intervention Assoc.
7 State Street
Glassboro, New Jersey 08028
Paul Taylor 609/881-4040

New Jersey Youth Service Bureau Assoc.
1064 Clinton Avenue
Irvington, New Jersey 07111
Elizabeth Gegen 201/372-2624

New York State Association of
Youth Bureaus
515 North Ave.
New Rochelle, New York 10801
Paul Dennis 914/632-2460

FEDERAL REGION III

Baltimore Youth Alternative Services
Association
c/o The Lighthouse
2 Winters Lane
Baltimore, Maryland 21228
Oliver Brown 301/788-5485

Federation of Alternative Community
Services
c/o Second Mile House
Queens Chapel/Queensbury Road
Hyattsville, Maryland 20782
Les Ulm 301/779-1257

Maryland Association of Youth
Service Bureaus
c/o Bowie Youth Service Bureau
City Building
Bowie, Maryland 20715
Carolyn Rodgers 301/262-1913

Washington D.C. Area Hotline Assoc.
P.O. Box 187
Arlington, Virginia 22210
Bobbie Kuehn 703/522-4460

FEDERAL REGION IV

Florida Network of Runaway and
Youth Services
919 E. Norfolk Ave.
Tampa, Florida 33604
Brian Dyak 813/238-7419

☐ 1830 CONNECTICUT AVENUE, N.W. WASHINGTON, D.C. 20009 202 234-6664
☑ 1346 CONNECTICUT AVENUE, N.W. WASHINGTON, D.C. 20036 202 785-0764

A LIST OF YOUTH ADVOCACY NETWORKS - PAGE TWO

FEDERAL REGION V

Chicago Alternative Schools Network
1105 W. Laurence Avenue (#210)
Chicago, Illinois 60640
Jack Wuest 312/728-4030

Chicago Youth Network Council
721 N. LaSalle (#317)
Chicago, Illinois 60610
Trish DeJean 312/649-9120

Enablers Network
100 W. Franklin Ave.
Minneapolis, Minnesota 55404
Jackie O'Donoghue 612/871-4994

ESCALT
924 E. Ogden Avenue
Milwaukee, Wisconsin 53211
Dr. Andrew Kane 414/271-4610

Federation of Alternative Schools
[illegible] Lake Street
[illegible]lis, Minnesota 55407
David Nasby 612/724-2117

Illinois Youth Service Bureau Assoc.
23 N. 5th Avenue (#303)
Maywood, Illinois 60153
Rick King 312/344-7753

Indiana Youth Service Bureau Assoc.
104 Chicago Street
Valparaiso, Indiana 46383
Dennis Morgan 219/464-9585

Michigan Assoc. of Crisis Services
c/o Riverwood Community MHC
127 East Napier Avenue
Benton Harbor, Michigan 49022
Kelly Kellogg 616/926-7271

Michigan Coalition of Runaway Services
2043½ East Grand River Avenue
East Lansing, Michigan 48823
Bill Szarfarczyk 517/279-9759

Michigan Youth Service Bureau Assoc.
c/o Newaygo Co. Youth Service Bureau
P.O. Box 438
White Cloud, Michigan 49349
Don Switzer 616/689-6669

Milwaukee Hotlines Council
2390 N. Lake Drive
Milwaukee, Wisconsin 53211
Annette Stoddard 414/271-4610

Ohio Assoc. of Youth Service Bureaus
c/o Allen County Youth Service Bureau
114 East High Street
Lima, Ohio 45801
Bruce Maag 419/227-1108

Ohio Coalition of Runaway Youth and Family Crisis Services
1421 Hamilton Street
Columbus, Ohio 43201
Kay Satterthwaite 614/294-5553

Wisconsin Assoc. for Youth
Kenosha Co. Advocates for Youth
6527 39th Avenue
Kenosha, Wisconsin 53140
Michael Gonzales 414/658-4911

Wisconsin Network of Alternatives in Education
1441 N. 24th Street
Milwaukee, Wisconsin 53205
Michael Howden

FEDERAL REGION VI

Oklahoma Youth Service Bureau Assoc.
c/o Youth Service Center
319 North Grand
Enid, Oklahoma 73701
Terry Lacrosse 405/233-7220

FEDERAL REGION VII

Iowa Youth Advocates Coalition
712 Burnett Avenue
Ames, Iowa 50010
George Belitsos 515/233-2330

FEDERAL REGION VIII

Colorado Council of Youth Services
212 E. Vermijo
Colorado Springs, Colorado 80903
Jan Prowell 303/471-6880

A LIST OF YOUTH ADVOCACY NETWORKS - PAGE THREE

FEDERAL REGION IX

Arizona Youth Development Assoc.
c/o Maicopa County Youth Services
1802 East Thomas Road (Suite 3)
Phoenix, Arizona 85016
Clifford McTavish 602/277-4704

Community Congress of San Diego
1172 Morena Street
San Diego, California 92110
John Wedemeyer 714/275-1700

FEDERAL REGION X

Alaska Youth Alternatives Network
c/o The Family Connection
428 East 4th Avenue
Anchorage, Alaska 95501
Melissa Middleton 907/279-3497

Oregon Coalition of Alternative
Human Services
P.O. Box 1005
Salem, Oregon 97303
Verne Pierce 503/364-7280

Washington Association of Community
Youth Services
P.O. Box 18644
Colunbia Station
Seattle, Washington 98118
Barry Goren 206/322-7676

Mr. **Andrews**. Thank you very kindly.

Counsel has a question.

Mr. **Causey**. There is one question that I would like to address particularly to Mr. Mould and to Mr. Treanor.

Mr. Mould, it is my understanding that you used to work with the Action Agency, as the Director of the Domestic Operations Division of that agency.

Mr. Treanor, you, obviously, closely work with the runaway problems.

There has been a suggestion that has been proposed to permit the President authority to transfer existing runaway youth programs from the Office of Youth Development in HEW, to the Action Agency.

I was wondering if the two of you could comment on that proposal.

Mr. **Mould**. The comment would come from me personally. My organization has not considered this. I think that it might make some sense in reflecting about it. The scale of the runaway program is such that, obviously, it is tremendously over-shadowed by the scale of the HEW bureaucracy. It just clearly cannot be given the kind of priority attention by HEW leadership that it could in a smaller agency, such as Action.

I have a hunch that the kind of spirit of the runaway program, what it is supposed to do and does for people, is much more consistent with the character of the program already housed in the Action Agency.

Action, as you know, does have current grantmaking authority and, therefore, has the capacity and the experience with grant programs. So there would not be that technical problem of having to learn from scratch.

I think that the quality and spirit of the leadership of Action is kind of exciting these days. I think that it could do much for the runaway program. I would favor that kind of a shift.

Mr. **Treanor**. My first concern would be that if such a transfer took place, the programs that are currently operating, there should not be some kind of a bureaucratic shuffle. There have to be guarantees that this would not happen.

It is certainly feasible. I heard the representatives from HEW testify this morning that there are 100 or 150 volunteers who are working in many of these programs. These are, essentially, volunteer programs already.

I think that there are some problems in looking at the runaway program in the context of social welfare. It is a very unique kind of a program, and you cannot set up a multipurpose center or community center of some kind, and this is where you go for services.

These are young people who have broken out of all these other systems, court systems, family systems, et cetera, which we have in this country. You have to have a place where they will voluntarily come. These are voluntary referrals by young people of themselves to these programs.

Action, I think, could well keep the integrity of that kind of a program intact. There are a great number of visitors working as counselors in these programs.

I am also concerned, as I look at the existing Runaway Youth Act, that it is basically a direct service program, but there is the tendency to gather research data. I think that Action has that orientation.

Mr. Causey. Mrs. Rothman or Mrs. Mittelman, can you help us with the definition of substantial compliance. In reading your statements, you ducked the issue. You did not give us a definition of substantial compliance.

Mrs. Rothman. My problem with substantial compliance, I suppose is that there is either compliance or there is not compliance. So, my assumption would be that if we are going to play around with the term like substantial compliance, it at least says, I have not finished the job, but I have almost finished it. You will have it next week. That is substantial compliance, particularly if you can check me again next week. If you just leave it open, then I don't think that it means anything.

Mr. Causey. The provision in S-1021 would satisfy you?

Mrs. Rothman. As I noted in my statement, if anything, they are overly generous. I would really like to see them even further limited. I really think that it is possible.

I think that beyond that, the important thing will be to what extent, whatever limit is set, will be enforced. I think that the office, if it is really going to enforce as the law requires, it is going to require a great deal of support from Congress because I imagine that there will be some very upset states.

I think that the Members of Congress will have an obligation to stand for the principles of the act.

Mrs. Mittelman. We avoided trying to define substantial compliance, because we were trying to avoid substantial compliance. We are opposed to the insertion of that statement in the statute, again, because we think that full compliance is the aim of the statute. The Office of Juvenile Justice still has the discretion to negotiate with each State according to whatever particular problems and considerations each state has.

You are not immediately declared in noncompliance because it has not quite reached the statutory limits. I think, for example, defining it as 75 percent is, again, too generous. I agree with Mrs. Rothman, if compliance is at percent, if you say 85 percent, why bother with it. Stick to full compliance, and try to negotiate with States, again, based on the realities of what exists in each State.

So, I really cannot define substantial compliance because I see it as being not particularly helpful in the context of this act, if it is included in the statute.

Mr. Causey. Thank you.

Mr. Andrews. Thank you. We appreciate your being here.

The last group that we are going to hear from consists of three persons, Dorothy Crawford, Albert Katzman, and Dr. Marvin Gottlieb.

Do you have any order that you prefer, or is it immaterial?

Mrs. Crawford. I think that it is immaterial to us. With your permission, I will go ahead and start.

STATEMENT OF DOROTHY CRAWFORD, NATIONAL PROJECT DIRECTOR FOR LEAA STUDY ON LEARNING DISABILITIES AND JUVENILE DELINQUENCY

Mrs. CRAWFORD. I would like to thank the committee and the chairman for permitting me to come and appear before you in support of H.R. 1137. My name is Dorothy Crawford, and I will present testimony in a threefold fashion. No. 1, I am a national member of the board of directors of the Association for Children with Learning Disabilities. Second, I serve ACLD on a nationally funded project by LEAA as national project director for the ACLD Research and Demonstration. Third, as the parent of an adolescent with learning disability.

I would suppose that probably more than anything, if I were to be asked for my reasons for appearing before this committee, my very committed involvement in the field of learning disabilities, and even now with the possible correlation of juvenile delinquency, it is because I am the parent of an adolescent wth learning disabilities.

I have sat today, and I have listened to statistics about these children, children like mine. Many of them are very devastating kinds of statistics. We are talking about human beings, Mr. Chairman, and very briefly I would like to address the committee regarding children rather than statistics and programs. I will refer to my own child as a typical adolescent with learning disabilities.

Most adolescents with learning disabilities in the U.S. today are children that began to pass in the primary grades, or even prior to that, or children that were not recognized as having a handicapped condition. In our own case, we sought services for our child for seven years before we found the true problem.

Even before we knew for certain that he would be able to function in society, because we had been told so many times that it would not be the case, as parents we were very cognizant early that he was handicapped in some condition, even though many of the professionals said that this was not the case.

Consequently, with children who are my son's age, they did not receive services in their early school years, and they are children that now, as adolescents, are far behind educationally. Many of the children of friends who are parents with children who have disabilities no longer know where they are. They have dropped out. They have dropped out of school, dropped out of society. We do not know what has happened to them.

I had thought that perhaps we were reaching the point in this country where we would find now mandates for special education would provide appropriate services for these children. However, just this past weekend I appeared on a radio program in New York City, which was a 3-hour program called Conference Call, the listening audience was permitted to call and ask any kind of questions relating to the topic which was juvenile delinquency and disabilities. I was appalled to find that in 1977, we are just about where we were 7 years ago. There are still many, many children not served, and many, many parents not knowing what has happened to their children, and the children have become involved in some kind of a delinquency syndrome.

So I would like to say, as in my written testimony, there is not much time left for the Jeffs of the day, because time is running out for them. Resources at the junior high or high school level are a step practically void in this country. These are the youngsters, of course, that do drop out of the main stream, and we do not even have vocational programs for this type of a youngster. Many of our vocational programs are academically based, and the child simply cannot function in that manner.

I also find it very disturbing to speak before audiences in various conferences across the country, and finding that the majority of the audiences are very provincial kinds of audiences. In other words, if it is a topic that would involve law enforcement in any way whatsoever, these are the people that are there. Anything having to with education, we find that these are the people that are there. We find two separate kinds, and our children fall within those two kinds.

It would seem only logical to me that one of the best ways that we could bring about a solution for the problems of the youngster with learning disability would be through H.R. 1137.

Two years ago actually, LEAA funded a study about current theory and knowledge on learning disabilities and the correlation to juvenile delinquency. Almost concurrently there was a study undertaken by the General Accounting Office. Those studies are now available.

The General Accounting Office did find that there was approximately 26 percent of the youngsters in this country who are juvenile delinquents have a learning disability. The LEAA study has found that as far as current theory and knowledge were concerned, they could classify substantial data available with controlled studies as to whether or not there was any kind of a causal link between learning disability and juvenile delinquency.

As one of the purposes of the ACLD R. & D. project is to provide this data, and I would like to go on record to state that in accordance with our time line at the present time, we will have very timely data available for H.R. 1137, for the State symposium and also for dissemination of the final study at a national conference.

I would like to thank the committee for permitting me to comment and talk before them today. I am not going to take any further time because the hour is growing late, and I know that the other two gentlemen would like to say a few words. Thank you, Mr. Chairman.

Mr. ANDREWS. Thank you for your statement and your brevity. I hope that this will be a precedent for our other two distinguished guests.

[The written statement of Dorothy Crawford follows:]

Association for Children with Learning Disabilities

Research and Demonstration Project

Baltimore Site Office
Hearing & Speech Clinic
2220 St. Paul Street
Baltimore, Md. 21218
(301) 889-8331

Indianapolis Site Office
Board of Trade Building
Suite 400
143 North Meridian
Indianapolis, Ind. 46204
(317) 638-4331

Phoenix Site Office
Quadrangle Building
Suite 450
2701 E. Camelback Rd.
Phoenix, Az. 85016
(602) 955-4462

STATEMENT OF SUPPORT OF HR #1137

By Dorothy Crawford

National Project Director

ACLD-R&D Project

Delivered Before:

House Subcommittee on Economic Opportunities

Committee on Education and Labor

April 22, 1977

ACLD-R&D Project Headquarters
2701 E. Camelback Rd., Suite 450, Phoenix, Arizona 85016 (602) 955-4462
Funded by Grant #76-JN-99-0021, NIJJDP/LEAA, U. S. Dept. of Justice

Mr. Chairman and distinguished members of the Subcommittee, it is my pleasure to appear before the Committee in support of HR #1137. My testimony is three dimensional in scope: (1) as a Board member of the National Association for Children with Learning Disabilities (ACLD); (2) as the National Project Director for the ACLD Research and Demonstration Program; and, most importantly, (3) as a parent of an adolescent with learning disabilities.

ACLD is a parent oriented non-profit organization with state affiliates in 49 of the 50 states. ACLD's primary purpose is to actively seek and employ every possible method to ascertain all those with learning disabilities receive the appropriate services necessary to enable them to become productive and responsible adults. Along with the purpose of the organization, ACLD's five major goals to be reached via an interdisciplinary approach are:

1. Encourage research*
2. Stimulate development of early detection programs and educational techniques.
3. Create a climate of public awareness and acceptance.
4. Disseminate information.
5. Provide advocacy for the learning disabled.

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* Albert Katzman and Dorothy Crawford, members of ACLD's Adolescent Affairs Committee, wrote the grant proposal entitled, "ACLD-R&D Project, investigating the link between learning disabilities and juvenile delinquency", recently funded by LEAA, U.S. Department of Justice, Grant No. 76-JN-99-0021.

For a number of years, some members of ACLD have expressed growing concerns over the vast number of children with problems that were becoming problem adolescents. Studies were giving evidence that many children with learning disabilities were, as adolescents, becoming involved in a delinquency syndrome. Consequently, two years ago, I undertook (with a great deal of input and support from ACLD's Adolescent Affairs Committee) to write a grant program proposal on behalf of ACLD and its state affiliates. The objectives of the program were almost identical to those of HR #1137. Please permit me to set forth the objectives, need, the expected results and factors of uniqueness of the proposal. I do this in order to stress the timeliness and need for a national and state symposia on LD/JD.

The proposal read as follows:

A. Objectives:

Present a series of symposia on the subject of Learning Disabilities and Delinquency. The series of symposia will comprise of ten (10) per year for a period of two (2) years. At the end of the two-year period each state of the United States will have had confreres in attendance/participating in two (2) symposia.

Through the symposia bring together the various disciplines involved with the juvenile. Disciplines such as:

(1) Juvenile Judges
(2) Probation, parole and corrections personnel
(3) Legislators
(4) Civic leaders

(5) Labor and industry
(6) Teachers
(7) Social workers/counselors
(8) Law Enforcement Agencies
(9) Defense attorneys
(10) School Administrators
(11) Medical/allied professions
(12) Mental health staff
(13) State Universities - representation from schools of education and law
(14) State Department of Education
(15) Parents
(16) Members of news media

The first year series of symposia will be structured to instruct and present the problem of learning disabilities and its correlation to juvenile delinquency to the confreres. The symposia will be on a regional basis, dividing the states into ten (10) regional areas.

First year symposia objectives as follows:

1. To promote awareness and community concern for the learning disabled adolescent in trouble.

2. To develop awareness of the relationship between learning disabilities and juvenile delinquency

3. To increase understanding of the overall complexity of the problem of learning disabilities--especially the social and educational aspects of the problem; but also to include the neuro-psychological and bio-medical.

4. To suggest methods for professional organizations, private and governmental agencies to utilize the information gained to meet the educational and social needs of learning disabled youth in the criminal justice system.

National consortia (by state) will follow the series of symposia. Makeup of each consortium to be of select representatives from each discipline represented at each symposium.

Consortia objectives as follows:

1. Develop a working relationship among the various groups.
2. Create research and program development.
3. Disseminate information on subject matter.
4. Create a public forum for anyone involved or interested.
5. Create public awareness and recognition of the problem.
6. Plan models for diagnosing the problem and developing relevant educational and rehabilitation programs for youth with learning disabilities.

The second year series of symposia will be structured to provide the solution. The second year confreres would be primarily those participating in the consortia. Other interested and involved individuals would, of course, be welcome.

The second year symposia objectives as follows:

1. Present summaries from each consortium -- research and program development or model plans.
2. Develop methods of implementing model plans. (See #6 of consortia objectives).
3. Follow-up of first year presentations.

Overall objective as follows:

1. Prior to completion of project a model program (see #6 of consortia objectives) be developed for implementation in at least twenty (20) per cent of the United States--in other words, at least ten (10) states.

B. Need:

We must address the problems of learning disabilities if we are to understand at all and deal with a large bulk of the delinquent population. The need for assistance is evidenced by the following problems to be addressed:

1. The United States recidivism rate in delinquency is 87%. Recent studies are showing that between 70% and 90% of the delinquents in this country are clinically diagnosable as learning disabled.*
   *(Colorado and Berman studies)
2. A school drop-out rate nationally of 40%.
3. Both previous figures suggest that 40% of our efforts educationally and 87% in the field of corrections are totally irrelevant.
4. The continuing downward trend of the average age of the delinquent child; today, approximating 13 1/2 years of age.

The fact is, for the junior and senior high school youngster, there are virtually no services or resources available to him for his learning disability. He must make it on his own, and usually in the so-called mainstream. The alternative is to become a drop-out. The vocational educational programs, by and large, are not responsive anymore than high school academic programs are. Further, the young adult has to compete in the mainstream of the labor market as well. Finally, this gap in knowledge with its attendant lack of sensitivity is almost a universal condition within the Juvenile Justice System, and beyond it, with the Juvenile Corrections System.

While some monies have been channeled into the area of Juvenile Delinquency in its correlation to Learning Disabilities, it has usually been to support in-service training programs for corrections personnel or similar programs for special education staff. This has, in some instances, been somewhat helpful.

However, the people reached were the same provincial groups that have unsuccessfully tried to approach this problem area all along, and all alone. The result has been to maintain the cloistered nature of these mutually closed groups.

One group usually does not know what the other is doing, or what problems they may have in common. More important, the larger and probably more potent, the community is also unaware of what is going on.

It seems only logical that by bringing together all interested, involved, and concerned people that viable solutions will ensue.

C. Expected Results:

By transcripts and video tapes proceedings will be developed from each symposium to be distributed to interested and participating agencies/individuals.

This kind of approach will result in:

1. The broadest distribution of information across the nation.
2. The continuity of information and education over a period of time. These symposia will be designed to be progressive. The tapes and proceedings will become a viable, dynamic and current resource to all concerned; a kind of living and growing textbook.
3. Constant stimulation to local areas to do their own research, program development, etc.
4. The possibility of bringing together a greater variety of professionals over a period of time.
5. A constant public forum available to anyone doing research to report current findings.

6. A vehicle by which this problem can be kept out in the open rather than behind closed doors.
7. A public endeavor rather than a closed professional project.

The greatest measurable benefit will be in taxpayer dollars saved. For every delinquent rehabilitated, statistics indicate a tax savings of roughly $500,000.00--criminal career cost of $250,000.00 in court handling and another $250,000.00 in property loss. The unmeasurable benefit will be in the saving of human lives -- delinquents rehabilitated to become productive adults.

D. Factors of Uniqueness:

The broad spectrum makeup of symposia confreres is an ideal and unique way to bring people together who normally do not associate together. They will be able to look at their varying responsibilities with respect to the relationships between learning disabilities and juvenile delinquency.

Therefore, some main factors of uniqueness will be:

1. It will bring subject matter out of its provincial parameters and into the open public forum.
2. It will allow each participant an opportunity to identify with the problem from his own point of view--his own discipline, and allow each participant to formulate his potential contribution of response according to his own sphere of influence.
3. It will involve the private citizen, the parent, who ultimately is the appropriate and most effective catalyst.
4. It will be the most effective public education/public device in bringing together numbers and varieties of disciplines who seldom before have worked together on any common problem.

Following submitting the above-mentioned proposal, LEAA informed us that a grant had been awarded to the American Institutes for Research (AIR) to undertake a study of current theory and knowledge of a correlation between learning disabilities and juvenile delinquency. Almost concurrently the General Accounting Office (GAO) commenced a study on a possible link between LD and JD. The Comptroller General of the United States stated in the final report:

> "We made this review because of the Nation's growing juvenile delinquency problem and the mounting evidence of a correlation between children with learning problems and children demonstrating delinquent behavior patterns."

The GAO Report set forth some stark revealing data:

> "There is little doubt that most juvenile delinquents have behavior problems in school, and many may be 'academic underachievers'--pupils of normal intelligence who are two or more years below the level expected for their ability.
>
> "GAO investigated underachievement among juvenile delinquents in institutions and found that about one-fourth of those tested by education consultants in Connecticut and Virginia institutions had primary learning problems or learning disabilities.
>
> "Whether these disabilities caused delinquency is uncertain.
>
> "Compensating for or correcting such disabilities is justified for its own sake. It just may have the added dividend of reducing delinquency. There is room for much improvement in this regard in the public school system and in institutions housing delinquents.
>
> "--Four of the five States visited by GAO--California, Connecticut, Texas, and Virginia--had no accurate estimates of the prevalence of learning disabilities among school-age children.
>
> "--Correctional institutions were not effectively identifying and treating the learning problems of delinquents and were constrained from doing so.

> "Where institutions had attempted to meet the delinquents' educational needs
>
> "--the detailed evaluation needed to determine a child's specific problem either was not done or
>
> "--if done, the prescribed recommendations were not received by the teacher, or the teaching staff was not trained adequately to implement or interpret the recommendations."

The AIR Study, published April, 1976, concluded, "the case for LD/JD causal relationship is weakly documented. It has been made, to the extent that it has been at all, primarily through the observational evidence of professionals who work with delinquent youth." The academic authorities on delinquency, those who were consulted, were skeptical that LD is a decisive factor in any significant proportion of cases. It further stated, "But it is in no sense accurate to claim that the LD/JD link has been disproved. No study has set out to compare LD among delinquents and non-delinquents and discovered that the incidence rates are equivalent. And there is a kernel of usable quantitative evidence that does support the existence of unusually high rates of perceptual disorders among delinquents."

AIR recommended that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) priorities be: (1) undertake research to determine the incidence of learning handicaps, including LD strictly defined, among a few basic populations; and (2) a demonstration project to test the value of diagnosing and treating LD, as an aid to rehabilitation of serious juvenile offenders.

From the recommended priorities AIR made to the OJJDP, the ACLD-Research and Demonstration Project was born. I am the National Project Director, as stated earlier.

A brief description (purpose statement) of the Project reads thusly:

"Purpose Statement

"The R&D program has three major components. The components are inter-related to facilitate collecting data.

"An incidence study (first component) will be used to investigate the incidence of LD among two groups of 12-15 year old males. One sample will be of adjudicated delinquents; the other group will be among officially non-delinquent male public school students. Part of the process will be the adoption of a specific definition of learning disabilities as well as the identification of operational criteria; both of which may serve as precedents for future programs. The incidence study's purpose will be twofold: (1) to provide baseline data on the occurrence of LD, and (2) to identify the target population from which to draw the subjects in the remediation part of the study.

"The second component of the project is a remediation instructional program for a selected group of adjudicated delinquents. Members of this group will receive intensive, individually planned remedial instruction that is designed to ameliorate the effects of their particular LD. The treatment program is not designed to duplicate or replace the special programs that are now offered to the youth; rather, it is designed to assess the effects of particular treatment variables on LD and JD. A second, comparison group of delinquents will receive services that are now available to them. Specifically, the purpose of the remediation intervention component is to implement a demonstration program to test the value of diagnosing and treating LD as an aid to rehabilitation of juvenile offenders.

"The third and last component is an evaluation study. The evaluation is two-fold: a formative evaluation that will help keep the progress of the remediation program 'on track' towards a successful conclusion; and a summative evaluation that will assess the remediation program's overall success after its conclusion. Specifically, the evaluation will measure the impact on educational achievement resulting from a program that is designed to counter the effects of LD, and the impact of remediation on subsequent delinquent attitudes and behaviors.

"Through the incidence and demonstration study, data will be accumulated to be assessed and validated by the research team (evaluators). Four very specific objectives are set forth as follows:

"1. The difference in the incidence of specific learning disabilities between delinquent and non-delinquent youth.

"2. Difference between delinquent probationers and those institutionalized.

"3. The impact on the educational performance and related behavior of LD youth resulting from programs designed to remediate the effects of specific learning disabilities.

"4. The impact on subsequent delinquent behavior after remediation programs for the specific learning disabilities.

The ultimate objective is to provide information that will assist in the development of informed policy with respect to LD and delinquency prevention."

Examining the timelines of HR #1137 and the ACLD-R&D Project, we find they uniquely coincide. Screening of records and identifying the target population are already underway. The remediation program will be commencing by June, 1977; preliminary data will be available by early 1978; post-remediation testing will be completed by September 1, 1978; and the final report should be submitted by early 1979. This timeline indicates that data on the incidence study and remediation programs for replication would be available for dissemination at the state symposia of HR #1137. Additionally, the final statistical analysis of the entire research and demonstration program could be available for the National Conference on Learning Disabilities and Juvenile Delinquency as written in HR #1137. It is important to us that the ACLD-R&D Project data be utilized and not permitted to collect dust on a closet shelf.

The state symposia for LD/JD is long overdue. The objectives are timely and pertinent. Certainly sufficient time must be given at each state symposium to educate and broaden public awareness as to the nature and symptoms of learning disabilities; the resources available, if any, for the learning disabled; identify barriers and problems which prevent the receipt of needed services by children with learning disabilities. All this along with disseminating data from various studies now underway on the subject.

The National Conference provides the opportunity to consider each state's recommendations and needs to provide full services for children with learning disabilities; presentation of research data and model remediation programs (if not repetitions from state symposia). The conclusion of the National Conference would be objectives #6 and #7 of HR #1137:

> (6) Establish a timetable for carrying out recommendations for the removal of barriers and problems which prevent the receipt of needed services by children with specific learning disabilities;
>
> (7) Carry out such other activities as the Conference considers necessary or appropriate to assist in meeting the special needs of children with specific learning disabilities.

If we are to treat the problem of LD rather than the symptom, it is vital that all disciplines recognize and understand the problem. Also, to successfully prevent delinquency in the learning disabled, it is critical that the entire community who come in contact with these youth be educated to the existence and nature of their problem.

The third dimension of my presentation is from the parent's perspective. I refer the Committee to the enclosed article about my son, Jeff, and the copies of his letters to President Nixon and God.

Can you imagine the depth of Jeff's despair that moved him to appeal to the highest court of all for assistance? Can you imagine the helpless rage and frustration his father and I have had in seeking non-existing services for him? Can you imagine the fear we have of losing this young man in one of the "cracks" of society (drug abuse, welfare, criminal justice system, etc.)? Please understand my sense of urgency; Jeff is not atypical of an adolescent with learning disabilities--he is most typical! Jeff Crawford would be an adjudicated delinquent if it had not been for an understanding Judge and the fact he has a good strong home base--his family.

The summation of the article states, "We're taking it", his mother said, "one day at a time." Well, Mr. Chairman and members of the Subcommittee, without awareness, recognition, and appropriate services, time is running out for the "Jeffs" of this country. I implore you to exercise your prerogative as members of this Subcommittee to approve HR #1137.

In closing, I would like to gratefully acknowledge the efforts of the Honorable Claude Pepper, Augustus F. Hawkins and Tom Railsback for their astute foresight, compassion and concern in identifying the needs of LD children through HR #1137.

Thank you.

[From the Scottsdale (Az.) Daily Progress, May 4, 1976]

JEFF'S STORY: A MOTHER WHO WOULDN'T QUIT CHANGED LIFE FOR SON

(By Liz Doup, Women's Editor)

Like most 16-year-olds, he's not particularly anxious to spend a lot of time with a stranger who wants to know all about his life. But he is polite and patient and maybe a little nervous as he shows his movie equipment, his hobby, and talks about film and script and how he puts it all together.

At the other end of the room, his mother listens. She already has said that some day, some time, she should take her son's life and put it together in a book. If she did, it would read something like this . . .

Jeff Crawford may have been trying to tell people something from the beginning. For this Rh negative baby, who had to have his blood changed at birth, it didn't look like a good start. And it only got worse.

From the time he was 3 to the time he was 10 the Crawford family went from doctor to doctor, clinic to clinic all across the country trying to find what was wrong with their son, why he wasn't functioning, learning.

He was taken to Mayo Clinic.

He didn't talk until he was 7 and that was only after intense work with a speech therapist.

They were told he had a mild form of cerebral palsy.

They were told he was mildly retarded.

They were told he had an IQ of 52.

They were told he wasn't retarded.

They were told he had an IQ of 115.

They were told he could be autistic.

The Crawfords were told so many different things by so many different people that they had no real idea of what was wrong with their son at all except that the child wasn't progressing.

At one point, Crawford said, Jeff should have been in the fourth grade but he couldn't even function at the first grade level. Finally, she said, he was taken to the University of Minnesota Hospital and admitted to the psychiatric ward where he was studied for six weeks at a cost of $1,000 a week.

People watched him while he slept.

People watched him in a classroom situation.

People watched him play; they watched him eat.

And what they finally learned about their 10-year-old son was this: Jeff had severe learning disabilities in all four areas—visual, auditory, spatial relations and motor coordination.

In other words something wasn't clicking correctly in the boy's neurological makeup. While his vision was all right, he didn't see words as they were printed on the page, he saw only the background. Sounds, instead of passing through his brain, remained there and "piled up" on each other. The sound of his mini-bike running, which he rode just once, reverberated in his head for three days.

He couldn't orient himself and would put his socks on his hands. His gross coordination was bad.

Knowing what was wrong led them to the next step.

They heard about a school in Denver which they thought could help him. They had to sign over their guardianship, give up most visitation rights and were left to hope for the best.

The school, which cost $9,000 a year, proved an emotional disaster for both the 10-year-old boy and his family. The parents felt he was physically and emotionally uncared for and the boy appealed to his family not to abandon him.

"I almost had a nervous breakdown during this time," Crawford said. After about four months in that school they went to court to win back their guardianship and took him out.

He went back to Minnesota with his family and academically began to improve in schools there with teachers who took lots of time with him.

"The kid had school, school, school," Crawford shrugged which today she acknowledged was a mistake. "If I had any advice to give to a parent I would say, 'Look at the child as a whole human being. He must learn to develop socially and emotionally. If he can get along with his peers, he'll make it.' The thing is," she added, "you don't think about that when your child has stood still for six years."

In 1970 the family moved here for her asthma and Jeff eventually was enrolled in Pueblo which at that time was ungraded.

His mother began volunteering to help start LD programs in the school and then "lived at the legislature" to get some political action for LD programs. She wouldn't quit until she did.

In the meantime Jeff finished at Pueblo and went on to Saguaro. Just recently he has transferred to Lucky 13 but wants to get back to Saguaro in the fall.

In his studies Jeff was doing okay in a public school, his mother said. "It was the social aspect that was his undoing."

He needs structure, she said, and couldn't quite handle all the freedom. "At one time," she added, "because he was so liked, he has a good nature, I didn't think he'd have any trouble with his peers. But as a child he wasn't able to learn good habits. He wasn't in a home, he was in institutions."

For the future, Crawford and Jeff both talk about a job in the field of the arts. He's done stage makeup, paints well and is totally self-taught.

"We're taking it," his mother said, "one day at a time."

As a child, Jeff would come home from school and cry, saying he didn't want to be mentally retarded, Dorothy Crawford said. "The neighborhood mothers would pull the kids off the streets when he was outside because they knew he rode the bus for the mentally retarded," she said.

In a story that takes no less than two hours to be told, Dorothy Crawford recounted the doctors, the clinics, the schools her son has been exposed to. When last tested, her son's IQ was evaluated at 135, definitely above average. Yet during the course of the years they had been told he was retarded, had an IQ of 52 and should be in an institution.

For the past five years, Dorothy Crawford has served as the state president for the Arizona Association for Children with Learning Disabilities. The group is a salvation for many parents, she noted, because it lets them know they're not alone in their problems.

Working on his own, 16-year-old Jeff Crawford has a creative flair. Explaining how the film editor operates, he talks about his favorite hobby, film making. The young man also paints and has worked as a makeup artist in area plays.

Dear Presdnt Nixon,

My name is Jeff Crawford and
I am almost 12 years old.
Whin I grow up I want to be
an Inverter and Sientist. But
first I hav too go to schol and
learn all about the universe.
This is hard four me becuse
I have a Learning Disability I
can't read or spell very good and
I'm scared I won't be able to
go too high school.
My Dad and Mom said you can
help pass laws to get mony four
teacheers to teech me. Wood you
plese help? I promise to tri real
hard to lern.

Your frend,
Jeff Crawford

God
Care Ski
U.C.A.

Dear God.

My namer is Jeff Crawfald. I liv at 5X38 Valley Vista Drive Scottsdale, Arizona. You Know me.

Nex monkt I will bee 12 years old. I can't read or spell very good. I writ letters to Govnor Williams and Presdnt Nixon. Presdnt Nixon told me to write to the presdnt for children with learning disabilities. That is my Mother.

I Know you are reel busy helping the good peple but you can take a little time to help me lern to read.

Your frend,
Jeff Crawford

STATEMENT OF ALBERT KATZMAN, DEPUTY DIRECTOR, FAMILY AND YOUTH SERVICES, MICHIGAN DEPARTMENT OF SOCIAL SERVICES

Mr. KATZMAN. Thank you, Mr. Chairman. I, too, will try to match the brevity but I am not sure that I can be as successful. I am grateful for the opportunity to be able to speak to H.R. 6211 and S. 1021. I come, really, wearing two hats and one is as a professional who has been very intimately involved with juvenile delinquents for quite a number of years, particularly in the inner city of Detroit.

I have been responsible, actually, for all of the services and programs offered in the Metropolitan Detroit area by the Michigan Department of Social Services. I have daily contact with these kids.

I also come wearing another hat and that is as a parent of a learning disabled child, a very active and continued active member of the same organization as Mrs. Crawford, the Association for Children With Learning Disabilities.

Today, in order to keep it brief, I would defer from getting into the professional aspects of the bills, and focus primarily on H.R. 1137 in a general term. I would like to reduce it also, as Mrs. Crawford did before me, to somewhat more human dimensions and speak very briefly to a couple of examples, perhaps, with a couple of footnotes to the written remarks that I have submitted to the committee.

For one, I indicated in my statement an example or an illustration of what was very typical a dozen years ago, and is unfortunately very typical today, the determination by a school system that they have no program for a kid who appears to be emotionally impaired and retarded.

The parents are asked to remove the child from the system, and to find outside help. I describe that child in my written remarks as, today, 12 years later, entering his senior year in an Eastern College, planning to go to a law school, and very confident that he will be accepted; an accomplished sailor, a navigator, a licensed pilot, and a kid that was thrown out of the school system because he was considered to be mostly impaired and mildly retarded.

This is a condition which, unfortunately, prevails still too far and too widely today. For that reason, among others, we are hopeful that the support of H.R. 1137 will result in some material action by the Government in disseminating information and alerting the communities to this kind of condition.

Out of this sort of illustration, I think, we can draw a conclusion that would lead to some optimism, and some other points. One in terms of optimism is that something can be done, remediation can be effective if it is appropriate, and if it is timely, and if it is sustained.

Two, an impairment of this nature can be lifelong. By that I would go back to the illustration and point out that this young man still requires certain compensatory techniques to be employed in order to maintain the progress that he has been making for the last 11 years.

The research that is coming in is rather sparse and it is rather equivocal. But in an attempt to review what was available, and unfortunately I did not find too much, what I did find was that some studies which, in effect, indicated this kind of interesting phenomenon, for a population of adolescents and young adults which had been identified as learning disabled, those who had had timely remediation, sustained intervention and support by both professionals and parents were found—this was a doctoral thesis that was done 3 years ago, it was found that the entire population that was identified were functioning in communities, in employment situation which were at least equal to the national norms in terms of income, and in most cases were above it.

There were a number of these people identified as dentists. There were teachers. There was a school administrator. There was a college department head, and there were a number of other declining but still impressive roles that these people were carrying out.

In a further study, it was found that a number of these kids, retrospectively, now young adults who were functioning in the community who had not had the kind of remediation that we are talking about, but had in most cases the support of the parents, the recognition and the knowledge in their case that they had this kind of an impairment, were functioning at lesser roles, but nevertheless were functioning and self-sustaining in the community. They were not entirely happy with the level of performance that they were at. They felt they had potentially a greater capability, but they were constructively employed and effective members of the community.

In another study, and perhaps we can skip that and go to the GAO study, we found the kids, for example, who did not have the remediation or the necessary kind of support that the families can bring to bear in spite of the frustrations, that this proportionate number of them end up in the juvenile correctional systems.

Now, we in our organization have trouble with the definition as does the entire country, and as does this Congress at the present time. But we know that this is a real phenomenon. We are able to identify it in terms of its essential characteristics and we are able to recognize and acknowledge that going from the very severe to the very moderate point of impairment that falls within this category we speak of, and we hear professionals speak of, anywhere from 1 percent severely disabled to as much as 15 percent mildly or moderately disabled. Those figures can vary, depending on the courts.

In no case have we found anybody who says that 26 percent of the population is learning disabled. We found in a very rigid study, which is very conservative as we view it, that 26 percent of the population of juvenile correction systems in five States are definable as specifically learning disabled, and up to 90 percent of the population of kids in juvenile correction systems throughout the country are impaired in one fashion or another related to, and possibly identifiable as learning disabilities.

I think that it is a very disturbing kind of a conclusion, and a disturbing piece of data. We feel that 1137 is the kind of action that ought to be supported in order to alert the rest of the country today to this.

One other point that I would like to make is in terms of outcomes with regard to these kids that are in these institutions. Here I can speak again in very personal terms.

There has been in Michigan, for example, a swing-away from the reliance on the institutional placement, at least into the training schools, in the past several years. Along with that was an increase in the development of community resources.

This permitted our training school to refine and improve their skills and techniques and intervention strategies. For example, it gave them time to replace the unskilled staff, to increase the level of skills, to add to the training, to change a great deal of the kinds of services and strategies and interventions within these training schools.

We found that there were some useful results, for example. The problems of management of kids were markedly reduced. The truancy rate from the training school dropped dramatically. The average length of time that boys were staying was reduced from 13 to about 1.5 months. For girls it went down from close to 19 months to around 12 months.

I also found one disturbing factor. With all of those improvements, when the kids were released from those training schools and returned to what we call "after care programs," the rate of recidivism did not go down.

As a concrete example, we did a study for the last 6 months of those released from the training schools, and we found——

In the last 6 months, we came out with a study where we found that kids recently released from the training schools, after 30 days we had 29 percent recidivism rate and after 12 months we had a 59 percent recidivism rate.

Mr. ANDREWS. I don't understand what that term means.

Mr. KATZMAN. Additional police contacts, most of them leading to arrest and very often a return to the training school.

The recidivism rate is due to the failure of the kids to failing to remain outside of the training system. The figures nationally for many years have ranged anywhere from 60 to 85 percent recidivism for kids who are caught up in the juvenile correction system.

In effect, I am saying that although we may be improving certain components of our juvenile correction system, if we aren't able to adequately and effectively improve the aftercare services that go with that, then we are virtually wasting our time.

Out of this, I would like to point out that we should be in terms of implementing a program designed and embodied in 1137, target this kind of information not just to the people within the correction system, or within the juvenile justice system, but to those people and those institutions in the community that impact on the adolescent or the young adult.

It would be superfluous to repeat the kind of statements that have been made particularly by Mrs. Crawford about the fact that as the kids grow older, part of the success is that we have witnessed in the early elementary years, so far as mobilizing and delivering services, and identifying the kids that need them with respect to learning disabilities, and in fact with respect to other handicapping conditions, we have made that available as the child gets older. It is not available in the junior high schools. It is practically non-existent in the high schools.

Certainly, from my example of recidivism, in the community at large, for those kids who are pushed out and who wind up in training schools and then are released back to the community, the recidivism rate is that high that, in effect, we can conclude there is nothing going for them in the community.

We need the kind of thing that 1137 can bring to bear. We must target not only for the educators, not only for those within the juvenile justice system, but outside of the juvenile justice system as well.

Thank you, gentlemen.

Mr. ANDREWS. Thank you very kindly.

[The written statement of Albert Katzman follows.]

STATEMENT ON SUPPORT OF H.R. 1137

Delivered before the House Sub-Committee
on Economic Opportunities of the Committee
on Education and Labor

By: Albert Katzman
Program Manager
Delinquency Prevention Services for Wayne County
Michigan Department of Social Services

April 22, 1977

Twelve years ago, a school social worker visited the home of a second grader to advise the mother to get outside help for her son. He not only could not read or learn, suggesting retardation, he was unable to attend, was easily distractible, was poorly coordinated, hyperactive, and had poor recall, suggesting some emotional disorder. He would have to be removed from his class, and in fact, from the system. They had nothing for him.

Today, that same youngster is in his senior year at a college in Massachusetts and is applying to the law schools of Yale, Duke, and Harvard. Because of his volunteer work and knowledge in the area of juvenile law and delinquency, he is teaching an undergraduate course on the subject. Hardly sounds emotionally impaired!

He is also a commercially licensed and instrument rated pilot, a skilled racing sailor and navigator. Hardly sounds retarded!

His symptoms were those of a classical dyslexic, with impairments in both the auditory and visual areas. Many of those symptoms persist today. And this too conforms with our knowledge that, while the research at this juncture is equivocal, the preponderance of evidence and empirical data lean strongly to the likelihood that, to one degree or another, such a condition is life long.

The young man described above is by no means a unique case. He is simply one of a multitude whose number we haven't yet determined because we haven't yet reached many segments of our population, nor delineated the outer limits of this disability.

Twelve years ago, when exclusion and ignorance was the standard, we found enough parents and perceptive professionals in Michigan who had borne witness to the same devastating experience, so that, almost by spontaneous combustion, an association for children with learning disabilities was formed.

We discovered that this same explosion had been, and was being repeated across the country. Along with it, States were taking action, many adding mandatory special education statutes to their laws, with most inserting a new special category, the learning disabled.

In these intervening years, programs and services have proliferated at a remarkable pace. At last reading, 46 States have mandatory requirements for special education. Colleges of education are training certifiable specialists in learning disabilities. Projects, research, and services are developing in the public and private sectors of medicine, psychology, physics, and several others.

A.C.L.D. has also grown apace. With chapters and affiliates now in 49 of our States, and active colleagues in at least 14 countries, this organization reflects one of the most incredible and one of the most effective voluntary consumer movements on the contemporary scene. And perhaps no better testimony to voluntarism by these thousands of fiercely dedicated and committed people can be made then to point to the A.C.L.D. national office in Pittsburgh, which, even this day, employs exactly one-one only-full time paid employee!

Those early years, early, yet so recent that they are not yet behind us, were dedicated to legitimizing learning disabilities, to opening doors, mobilizing resources, getting services operational and getting them delivered.

The focus, as a matter of course, was on early childhood and the elementary school years. Quantum gains have been achieved in these few short years. But much remains to be done, and much remains to be learned in the doing.

What we are also discovering, we older members particularly, is that turning around the institutions and individuals impacting on children in their formative years is only part of the task.

As the organization moves into its own adolescence, and because our children are into that stage too, we find that the wheel has to be reinvented. For as our young people cope with high school, with the post high school institutions, with the career and labor market, and too often, with juvenile justice and corrections systems, we are discovering that most institutions and individuals dealing in these areas must be enlightened and turned on. So many doors are still closed to these kids.

The distressing feature that drives us, that gives an added significance to the import of H.R. 1137, is that those doors opened for the younger child, those gains obtained during the early years by no means carry a lifetime guarantee.

The flexibility of a school setting that takes into account the need for special techniques, such simple but profound correctives as a quieter corner to take into account the distractibility factor, perhaps untimed teaching and test schedules to accomodate the illusively complex neuromuscular and cognitive integration and processing mechanisms, this flexibility cannot necessarily be left behind as the child grows older and moves into new buildings and new systems.

Many manifestations of the handicap will yield to the remediation steps taken. Many of these are coupled with maturation that, singly or jointly, produces an encouraging reduction of the symptomatic behavior. But we are becoming increasingly aware that many of the primary improvements do not ever remediate, do not disappear with maturation.

Our young pilot who aspires to be a lawyer, must continue to work twice as hard, must still find a quiet retreat in order to compensate for his perceptual handicap and his distractibility. He has made it his business to find schools and instructors that understand and accomodate to these requirements.

We need, therefore, to continue the process of informing, of enlightening, of demanding, of insisting that changes are in order, that doors must be opened, that it can pay off.

There is yet another element in this equation, possibly more important than any other, that we do well to consider.

As a parent, and active member of A.C.L.D., I have travelled and dealt extensively, not just with advocates and converts, but more importantly with cynics and doubters. As one example, for some years, two other fathers along with myself, have formed a team to meet with other fathers of l.d. children in groups as arranged by various chapters and affiliates.

There is a process that is almost invariable in its unfolding. Initial hostility and strained tolerance, followed by openly expressed anger and resentment - directed at the child. Then guilt and uncertainty sets in. This is most frequently followed by remorse. One can almost measure the sense of relief as the father acknowledges, sometimes openly, sometimes to himself, that his son or daughter has been short-changed by the community, that he himself has been guilty of supporting this injustice, and that it need not and should not be. It is a relief to know that, while learning disabilities is complex and difficult to get a handle on, it is real. It isn't just an escape, an excuse; it is a known and remediable quantum.

It takes the investment of the professional community, but fundamentally important, and most critical of all, it takes the conviction and consistent support of the parent or significant adults, in order to preserve the integrity and insure the investment of the child in the process!

As the child advances to adolescence, and as his focus and referral sources divest somewhat from his parents to other adults and to his peers, the gains achieved in early childhood are subject, once again, to the test of credibility and survival. The emotional strength derived from early and consistantly supportive experiences can work to sustain the adolescent through the later difficult years.

Unfortunately, where the environment is unyielding, the gains too often appear to lose ground. And where no early support was available, disaster is generally the consequence.

No wonder perhaps, our fears about disproportionate numbers of these youth ending up in juvenile corrections systems are being substantiated by such studies as that of the General Accounting Office, which finds over 25% of their sample of youth in corrections programs with primary learning disabilities.

If we have difficulty defining and getting a handle on learning disabilities, it is no less the situation with juvenile delinquency. And it has been around a lot longer with a lot more visibility than learning disabilities.

After all the years of practice, of research and review, we have, at best a portfolio definition under which is subsumed a host of other definitions, theories, and approaches, none of which have effectively served to achieve the ultimate resolution of the problems of delinquency.

In just the past ten years the field as a whole swung from a heavy reliance on the large institutional setting for adjudicated delinquents to a much greater emphasis on community based resources and services.

The bonus for training schools was the opportunity for these institutions to turn their energy to reaching back to their original programs and purposes. Relieved of the overcrowding, particularly with its occupanying mix of minor status offenders squeezed in with street-wise character disordered felons, finally, they could focus on improving their interventive techniques, raising the skill levels of staffs, employing more sophisticated and more appropriate procedures, and doing more meaningful follow-up research.

Michigan is a typical example. From 1969 to the present, training school facilities were reduced by a third. A higher ratio of staff to inmates was achieved; better educated, better equipped, and more competent staffs were installed. Improved program and service delivery techniques were developed. A positive peer culture system, for example, was instituted, and intensive training in this modality was provided. Better educational services were brought to bear. More flexibility in the apportionment of time, including visitations, off-ground work and study programs, releases, etc., became the rule.

The results were encouraging. Truancies dropped sharply. Control and management problems were reduced significantly. Average length of stay came down from 13 months to less than 10 months.

The institutions were beginning to live up to their original promise.

But one other major factor did not change, which was most disturbing. The rate of recidivism remained constant.

Last year, 30% of the youngsters released from these training schools had further police contacts within 90 days of their release. And within the first 12 months of release, 59% had further police contacts!

These figures, incidentally, fall within the range of what is generally considered the national norm. Recidivism among adjudicated juveniles has been estimated to range around 60% to 65% nationally, an estimate which has been constant for many years.

The most troublesome aspect is that this figure still pertains after we have comforted ourselves that our institutional services are much improved and that youngsters are benefiting thereby.

It merits a closer look. We find, as did the G.A.O. study and others like it, that the Michigan training schools know and do from little to nothing about individual handicaps, individual diagnosis, and prescriptive remediation. The G.A.O. study further determined not only that "Correctional institutions were not effectively identifying and treating the learning problems of delinquents and were constrained from doing so," but also that among the non-adjudicated, community based youngsters, "Four of the five States visited by G.A.O. ... had no accurate estimates of the prevalence of learning disabilities among school aged children."

It should be acknowledged that no evidence yet exists which convincingly demonstrates that timely and specific remediation of a primary learning impairment will in itself reduce or eliminate the incidence of juvenile delinquency, and it should be acknowledged that there is a far greater effort manifest in the educational community to provide services consonant with our growing data base and technological knowledge. But the depressing and inescapable conclusion is that (a) the gap between the moral, legal, and public commitment to this effort and the implementation in the field, is still far too large, (b) the gap grows larger as we advance to the secondary levels, and (c) the parallel picture of depressingly high recidivism among the adjudicated delinquents, and the fallout among learning disabled adolescents in the community, adds urgency to the task of informing, educating, mobilizing, and serving.

H.R. 1137 is a vitally important and vitally needed step in this direction.

Mr. ANDREWS. Last is Dr. Gottlieb, I believe.

STATEMENT OF DR. MARVIN GOTTLIEB, DEPARTMENT OF PEDIATRICS, UNIVERSITY OF TENNESSEE

Dr. GOTTLIEB. I will not refer to my prepared statement, but I will just reflect for a moment on a problem as seen through the eyes of the physician or pediatrician. I can only tell you that I am somewhat appalled by the fact that learning disability, unfortunately, is not associated with a rash, because if it had been associated with a rash, we would have been very cognizant of an epidemic that has hit our Nation.

We are talking about literally an army of some 2 to 3 million children who daily will be forced to compromise not only their educational skills, but their total personal involvement as well. We are talking about a disorder which has been labeled "invisible," perhaps because of our own inadequacies professionally in being able to recognize the visibility of this disorder.

We are talking about a condition which takes young people who want to achieve for mother and father, who want to achieve for teacher, who want to achieve in the eyes of their peers, who want to experience something in the way of a success experience, but are never able to do so.

As a result of these continual frustrations and pressures, they end up, unfortunately, in many instances as second rate citizens. I have heard today, during the past 6 or 7 hours, lots of discussions about millions of dollars being used in the rehabilitation of children who might unfortunately have had a preventable type of a disorder had it been detected early enough.

I would conclude by a plea as a pediatrician who is very cognizant of my responsibility to treat not only rashes and diarrhea and colic, but very much involved with the child's educational health because it affects his entire social and emotional development as well, by pledging to you that with the proper resources, the proper awareness on the part of the public, the professional community will do their best in order to help these young people.

Thank you.

[The written statement of Dr. Marvin I. Gottlieb follows:]

A STATEMENT IN SUPPORT OF:

H.R. 1137 - THE NATIONAL CONFERENCE ON LEARNING DISABILITIES AND DELINQUENCY PREVENTION ACT, SPONSORED BY CONGRESSMEN CLAUDE PEPPER, AUGUSTUS F. HAWKINS AND TOM RAILSBACK.

APRIL 22, 1977

PRESENTED BY: MARVIN I. GOTTLIEB, M.D., PH.D., F.A.A.P.
PROFESSOR OF PEDIATRICS
CHIEF, SECTION OF DEVELOPMENTAL AND BEHAVIORAL PEDIATRICS
DIRECTOR, CLINIC FOR EXCEPTIONAL CHILDREN
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DEPARTMENT OF PEDIATRICS
MEMPHIS, TENNESSEE

LEARNING DISABILITIES IS A VICIOUS CHRONIC HANDICAPPING DISORDER OF CHILDHOOD THAT MAY CULMINATE AS A PSYCHOSOCIAL DISASTER FOR THE VICTIM AND AS AN OVERWHELMING FINANCIAL OBLIGATION FOR SOCIETY. THE LEARNING-DISABLED CHILD, IF NOT DETECTED EARLY AND PROVIDED WITH MEANINGFUL REHABILITATION, WILL WASTE INTELLECTUAL POTENTIAL AND SOCIAL PRODUCTIVITY. ON BEHALF OF THE MILLIONS OF CHILDREN WHO ARE AFFLICTED WITH THIS DISORDER, A VOICE OF APPRECIATION TO CONGRESSMEN PEPPER, HAWKINS AND RAILSBACK FOR THEIR CONCERNS AND PIONEER EFFORTS TO IMPROVE THE QUALITY OF LIFE FOR THESE YOUNG CITIZENS.

TO BE PROVIDED THIS OPPORTUNITY TO SERVE AS AN ADVOCATE FOR SEVERAL MILLION CHILDREN IS A PROFESSIONAL HONOR THAT I WILL TREASURE GREATLY. TO SERVE THESE CHILDREN BY PRESENTING THEIR CASE BEFORE SO DISTINGUISHED AN ASSEMBLY IS A RESPONSIBILITY THAT I FIND SOMEWHAT AWESOME. I WILL TRY TO EFFECTIVELY REPRESENT THESE CHILDREN, FOR THEIR CAUSE IS OF GREAT SIGNIFICANCE TO THE FUTURE OF OUR SOCIETY.

MY PRESENTATION WILL NOT DWELL HEAVILY ON STATISTICS, WHICH ATTESTS TO THE MAGNITUDE AND URGENCY OF THE ISSUE BEING DISCUSSED. I FEEL CERTAIN THAT OTHERS PRESENTING TESTIMONY ARE BETTER VERSED AND MORE CAPABLE OF REPORTING ON CURRENT STATISTICAL DOCUMENTATIONS. I WOULD HOWEVER LIKE TO SHARE WITH YOU THE IMPRESSIONS AND FEELINGS OF A CONCERNED PHYSICIAN, A PEDIATRICIAN, WHO HOLDS WITH HIGH REGARD THE PHILOSOPHY THAT EDUCATIONAL HEALTH _IS_ A MEDICAL RESPONSIBILITY. COMPREHENSIVE HEALTH SERVICES FOR CHILDREN IMPLIES A TOTAL DEDICATION TO ALL OF A CHILD'S NEEDS, INCLUDING: EDUCATIONAL, BEHAVIORAL, SOCIAL AND EMOTIONAL DEVELOPMENT.

CONSERVATIVE ESTIMATES SUGGEST THAT APPROXIMATELY TWO TO THREE MILLION CHILDREN, WITH AVERAGE OR BETTER THAN AVERAGE INTELLIGENCE, HAVE LEARNING DISABILITIES. IT IS RECOGNIZED THAT THESE CHILDREN WILL EXPERIENCE DIFFICULTY IN THE CONVENTIONAL CLASSROOM AND WILL BE UNABLE TO LEARN AT A RATE (AND QUALITY) COMMENSURATE WITH THAT OF THEIR PEERS. THE NUMBERS OF CHILDREN HANDICAPPED BY DISORDERS OF LEARNING IMPLIES THAT WE ARE DEALING WITH A PROBLEM OF EPIDEMIC PROPORTIONS. THE LOSS OF EDUCATIONAL POTENTIAL IF MEASURED IN A CUMULATIVE PERSPECTIVE, REPRESENTS A NATIONAL CRISIS. THE REPROCUSSIONS OF LEARNING DISABILITIES, WHICH EXTENDS FAR BEYOND THE CLASSROOM, FURTHER ATTESTS TO THE CRITICAL NATURE OF THE DISORDER. THE COMPLICATIONS WHICH FESTER DURING THE SCHOOL YEARS, CAN ERUPT AS DEPRESSED INTELLECTUAL, SOCIAL AND EMOTIONAL DEVELOPMENT, DURING ADOLESCENCE. THE COMPLICATIONS ARE OFTEN MANIFESTED AS ANTISOCIAL ATTITUDES AND ACTIVITIES. IT IS APPARENT THAT THE CHILD IN "EDUCATIONAL JEOPARDY" IN ACTUALITY FACES A "TOTAL JEOPARDY".

IN THE RELATIVELY BRIEF INTERVAL REQUIRED TO READ THIS TESTIMONY, MANY CHILDREN WILL BE COMMITTING CRIMES AGAINST PERSON, PROPERTY AND THEMSELVES. IN MY CITY WE CAN ANTICIPATE OVER 10,000 COMPLAINTS AGAINST JUVENILES EACH YEAR; IN THE NATION PROBABLY OVER A MILLION COMPLAINTS WILL BE REGISTERED. MANY, MANY MORE JUVENILE CRIMES AND DISTURBANCES WILL REMAIN UNREPORTED. IF CONVERTED INTO LOSS OF DOLLARS BY OUR SOCIETY, THE FIGURES WOULD BE STAGGERING. IF CONVERTED INTO LOSS OF HUMAN POTENTIAL, THE IMPACT WOULD BE ALARMING AND SHAMEFUL. ASSUMING THAT A RELATIONSHIP EXISTS BETWEEN LEARNING DISABILITIES AND JUVENILE DELINQUENCY, THAN THE CHALLENGE IS ONE THAT WE CANNOT AFFORD TO IGNORE. HOWEVER A NOTE OF OPTMISM IS TO BE SOUNDED BECAUSE IF THE RELATIONSHIP IS REAL THAN WE CAN BE THINKING OF TERMS OF PREVENTION. THE PROBLEM OF THE LEARNING DISABLED CHILD BECOMES A VERY PERSONAL ISSUE FOR ALL OF US, FOR IT

PROFOUNDLY INFLUENCES THE QUALITY OF OUR LIFE AND THE PROGRESS OF OUR SOCIETY.

IN OUR EXPERIENCES OVER THE PAST SEVEN YEARS IN MEMPHIS, WE HAVE COME TO RECOGNIZE A PROFILE OF THE LEARNING DISABLED CHILD THAT APPEARS TO BE UNIVERSAL IN CHARACTER. REGARDLESS OF CAUSE, THE LEARNING-DISABLED CHILD IS NOT DETECTED DURING THE PRESCHOOL PERIOD. WHEN FORMALLY CHALLENGED WITH THE EDUCATIONAL PROCESS, THE CHILD BEGINS TO REVEAL WEAKNESSES IN HIS/HER ABILITY TO LEARN. THE REPEATED FAILURES AND FRUSTRATIONS ENCOUNTERED DURING THE SCHOOL YEARS ARE COMPOUNDED,AS BEHAVIORAL OVERLAYS FURTHER CLOUD THE ISSUE. AS A CONSEQUENCE OF REPEATED PRESSURES AND FAILURES, THE CHILD IS VULNERABLE TO A VARIETY OF SELF-DEFEATING STRESSES WHICH MAY ULTIMATELY CAUSE PSYCHOSOCIAL DISTURBANCES.

THE TEACHER MAY BE CONFUSED BY THE CHILD'S ERRATIC ACADEMIC PERFORMANCES, THE DELAYS IN ACQUIRING BASIC EDUCATIONAL SKILLS AND THE BEHAVIORAL REACTIONS, BECAUSE THE CHILD APEARS TO HAVE AT LEAST AVERAGE INTELLECTUAL ABILITIES. THE PARADOX IS MISLEADING AND FREQUENTLY THE CHILD IS MISLABELED AS "POORLY MOTIVATED". PRESSURES BY THE TEACHER TO IMPROVE EDUCATIONAL PERFORMANCE ARE USUALLY OF LITTLE VALUE AND THE CHILD PROGRESSIVELY FALLS FURTHER AND FURTHER BEHIND HIS CLASSMATES. THE PARENTS ARE SIMILARLY CONFUSED AND FRUSTRATED. WHEN BRIBES, DEPRIVATION OF PRIVILEGES, PUNISHMENTS AND "EXTRA WORK AFTER SCHOOL" FAILS TO ACHIEVE THE DESIRED RESULTS, THEY MAY BEGIN TO HARBOR FEELINGS OF GUILT.

THE CHILD, THE VICTIM, IS DESTINED TO SUFFER THE MOST. AS THE CHILD WITH LEARNING DISABILITIES FACES REPEATED FAILURES AND REJECTIONS, AS THE PRESSURES FROM PARENTS AND TEACHERS INCREASE, AS CLASSROOM EMBARASSMENTS AND

CONFUSIONS PERSIST THE STAGE IS SET FOR DEVELOPING A MYRIAD OF SELF-DEFEATING ATTITUDES. DETERIORATING RELATIONSHIPS WITH TEACHER, PARENTS AND PEERS MAY BE MANIFESTED AS FEELINGS OF ANXIETY, HOSTILITY, DEPRESSION, REJECTION AND PARTICULARLY POOR SELF-CONCEPT. AS CONFIDENCE AND SELF-ESTEEM CONTINUE TO ERODE, ACTING OUT BEHAVIORS INCREASE. A VICIOUS CYCLE IS ESTABLISHED IN WHICH DEPRESSED LEARNING SKILLS AND BAD BEHAVIORS AUGMENT ONE ANOTHER. IF THE TEACHING APPROACHES ARE NOT MODIFIED AND THE EDUCATIONAL ENVIRONMENT MADE MORE POSITIVE, THE GAP BETWEEN POTENTIALS AND ACHIEVEMENT WILL WIDEN DRAMATICALLY.

THE CHILD WHO IS UNABLE TO GAIN ATTENTION AND RECOGNITION IN THE CLASSROOM OR HOME MAY SEEK THIS RECOGNITION BY AGGRESSIVE OR HOSTILE ACTS ON THE STREET. THE CHILD WHO CANNOT ACHIEVE SUCCESS EXPERIENCES IN THE CLASSROOM OR AT HOME MAY SEEK HIS REWARDS BY A LESS ACCEPTABLE BEHAVIOR. PERHAPS THE CHILD WHO HAS BEEN UNABLE TO LEARN A FORM OF ACCEPTABLE COMMUNICATION WITH HIS PEERS, TEACHERS AND PARENTS, WILL ADOPT A MORE PHYSICAL AND ANTISOCIAL METHOD OF EXPRESSING HIMSELF. NO ONE ENJOYS BEING A PERPETUAL LOSER, CHILDREN ARE NO EXCEPTION TO THIS RULE. TO CONTINUALLY BE A LOSER IN A SETTING SUCH AS A CLASSROOM, IN WHICH YOUR PEERS OBSERVE YOUR LACK OF SUCCESS, IS EVEN MORE PAINFUL. IT IS WITHIN THE CONTEXT OF POOR PERFORMANCE IN THE CLASSROOM AND ITS SUBSEQUENT EFFECT ON FAMILY LIFE AND SOCIAL DEVELOPMENT THAT SEEDS OF JUVENILE DELINQUENCY ARE SPAWNED AND NURTURED.

AS A PHYSICIAN CONCERNED WITH THE WELFARE OF CHILDREN, I AM ANXIOUS TO ASSIST THE CHILD WITH DISORDERS OF LEARNING; AS I WOULD THE CHILD WITH ANY CRIPPLING DISEASE. DISORDERS OF LEARNING ARE NO LESS A MEDICAL PROBLEM THAN THE CHALLENGES OF INFECTIOUS DISEASES, METABOLIC PROBLEMS OR CONGENITAL ANOMALIES.

THE RESPONSIBILITIES FOR THE PHYSICIAN ARE IMPOSING, IN AS MUCH AS HE IS THE FIRST PROFESSIONAL TO BE CHARGED WITH THE TOTAL CARE OF THE INFANT AND CHILD. IT IS INCUMBENT UPON THE PHYSICIAN TO THINK IN TERMS OF LEARNING DISORDERS AND THEIR EARLY DETECTION. THE AMERICAN ACADEMY OF PEDIATRICS HAS ADDRESSED ITSELF TO THIS COMITMENT (SEE APPENDIX A, B). RECENT SUGGESTIONS FOR RECERTIFICATION PROGRAMS HAVE SIMILARLY STRESSED THE IMPORTANCE OF A COMPETENCY IN LEARNING DISABILITIES, SCHOOL HEALTH, BEHAVIORAL DISORDERS, AND JUVENILE DELINQUENCY (SEE APPENDIX C).

PROBLEMS OF LEARNING AND BEHAVIOR ARE RELATIVELY RECENT ADDITIONS TO THE CURRICULUM FOR MEDICAL STUDENT EDUCATION. DURING THE PAST DECADE WE HAVE WITNESSES A MODIFICATION OF PEDIATRIC PRIORITIES IN WHICH CHRONIC HANDICAPPING CONDITIONS OF CHILDHOOD HAVE ASSUMED MORE SIGNIFICANT STATURE. IT IS WITHIN THIS SHIFTING OF PRIORITIES THAT LEARNING DISABILITIES HAS BECOME AN IMPORTANT ASPECT OF PEDIATRIC TRAINING PROGRAMS. AT THE UNIVERSITY OF TENNESSEE CENTER FOR THE HEALTH SCIENCES/LE BONHEUR CHILDREN'S HOSPITAL TRAINING PROGRAM IN PEDIATRICS, MEDICAL STUDENTS AND PEDIATRIC HOUSESTAFF ARE PROVIDED LECTURES, CONFERENCES AND CLINICAL EXPERIENCES FOCUSING ON THE LEARNING-DISABLED CHILD (SEE APPENDIX D, E, F, G). THERE IS AN EMPHASIS PLACED ON THE INTERACTION BETWEEN THESE HANDICAPS AND THE ENSUING BEHAVIORAL DISRUPTIONS. A MODEL TO PROVIDE INCREASED UNDERSTANDING OF THE LEARNING-DISABLED CHILD AND THE RESULTING BEHAVIORAL DISTURBANCES WAS ORGANIZED IN MEMPHIS IN 1970. THE MODEL HAS THREE MAJOR OBJECTIVES: TEACHING, SERVICE AND RESEARCH. AN EMPHASIS HAS BEEN PLACED ON THE TRAINING OF PHYSICIANS TO APPRECIATE THE NATURE OF LEARNING DISABILITIES. (SEE APPENDIX H). IN THE PERIOD FROM 1970 TO 1977, APPROXIMATELY 2500 CHILDREN HAVE HAD EXTENSIVE DIAGNOSTIC EVALUATIONS. ABOUT 600 VARIABLES ON EACH CHILD HAVE BEEN TABULATED

AND THE RESULTS ARE TO BE COMPUTERIZED. FROM THIS UNIQUE AND EXTENSIVE DATA BASE, WE ARE HOPING TO GAIN INSIGHTS INTO THE HIGH RISK FACTORS, THE KEY DIAGNOSTIC FEATURES AND THE SCREENING DEVISES TO BETTER UNDERSTAND THE LEARNING-DISABLED AND BEHAVIORAL-DISTURBED CHILD. THE DATA BASE WILL ALSO PROVIDE A NEW SET OF CURIOSITIES THAT WILL GENERATE ADDITIONAL RESEARCH INTERESTS. CONGRESSMEN PEPPER, HAWKINS AND RAILSBACK'S PROPOSAL HAS ALREADY STIMULATED JOINT RESEARCH INTERESTS AMONG SEVERAL INSTITUTIONS: UNIVERSITY OF TENNESSEE, MEMPHIS SPEECH AND HEARING CENTER AND MEMPHIS STATE UNIVERSITY. INVESTIGATORS FROM THESE INSTITUTIONS HAVE BEGUN TAKING AN EXTENSIVE LOOK AT THE RELATIONSHIP BETWEEN LEARNING DISABILITIES AND BEHAVIORAL DISTURBANCES SUCH AS JUVENILE DELINQUENCY.

THERE ARE MANY QUESTIONS TO BE ANSWERED, MANY DILEMMAS TO BE RESOLVED, REGARDING THE LEARNING-DISABLED CHILD AND THE JUVENILE DELINQUENT. AREAS TO BE FURTHER EXPLORED INCLUDE:

(1) A COMPREHENSIVE UNDERSTANDING OF THE LEARNING-DISABLED CHILD WHICH PROVIDES INSIGHTS INTO THE RELATIONSHIPS BETWEEN NEUROLOGICAL, EDUCATIONAL, EMOTIONAL AND SOCIAL MATURATION.

(2) THE CAUSES OF IMPAIRED LEARNING AND BEHAVIORAL DISTURBANCES AS THEY RELATE TO HIGH RISK FACTORS ENCOUNTERED DURING GESTATIONAL LIFE AND EARLY CHILDHOOD.

(3) AN ANALYSIS OF THE CURRENTLY EMPLOYED DIAGNOSTIC SCREENINGS AND CRITERIA WHICH ARE THE BASIS FOR CLASSIFICATION OF LEARNING DISORDERS.

(4) ASSESSING THE THERAPEUTIC APPROACHES BEING UTILIZED,TO DETERMINE THEIR EFFECTIVENESS. SIMILARLY CONTROVERSIAL THERAPEUTIC APPROACHES NEED TO BE

EXPLORED AND THEIR VALUES CLARIFIED.

(5) METHODS OF INCREASING PUBLIC AWARENESS - A PUBLIC EDUCATION PROGRAM - TO CALL ATTENTION TO THE NEED FOR INCREASED SERVICES.

(6) TO DEVELOP BETTER LINES OF PROFESSIONAL COMMUNICATION (PHYSICIANS, PSYCHOLOGISTS, TEACHERS, PARENTS ETC.) IN ORDER TO MAXIMIZE AN INTERDISCIPLINARY EFFORT.

THESE ARE BUT A FEW OF THE CHALLENGES FACING PROFESSIONALS IN ATTEMPTING TO RESOLVE THE RELATIONSHIPS BETWEEN LEARNING-DISABILITIES AND JUVENILE DELINQUENCY.

H.R. 1137, AS SPONSORED BY THE HONORABLE CONGRESSMEN PEPPER, HAWKINS AND RAILSBACK IS A GIANT STEP IN HELPING TO RESOLVE MANY OF THE PROBLEM AREAS. THE BILL ADDRESSES ITSELF DIRECTLY TO THESE ISSUES AND PROVIDES AN OPPORTUNITY FOR PROFESSIONALS AND PUBLIC TO SHARE IN A GREAT SERVICE TO SOCIETY. AS A PROFESSIONAL, I SEE IN THIS MUCH NEEDED LEGISLATION AS:

(1) A NATIONAL FORUM FOR THE CENTRALIZATION AND DISSEMINATION OF CRITICAL INFORMATIVE DATA, CONCERNING LEARNING DISABILITIES AND JUVENILE DELINQUENCY.

(2) AN OPPORTUNITY FOR ENHANCING COMMUNICATION BETWEEN PROFESSIONALS WHO MUST WORK COOPERATIVELY TO SOLVE PROBLEMS.

(3) A COORDINATION OF EFFORTS TO AUGMENT OUR FUND OF KNOWLEDGE REGARDING LEARNING DISABILITIES AND JUVENILE DELINQUENCY, TO HELP AVOID DUPLICATION BUT TO ENCOURAGE NEW CURIOSITIES ABOUT THE PROBLEM.

(4) AN OPPORTUNITY TO CONTINUE THE NATIONAL MOMENTUM REGARDING LEARNING DISORDERS AND BEHAVIORAL PROBLEMS, INDEED A REKINDLING OF AN AWARENESS AND CONCERN ABOUT THESE PROBLEMS.

(5) A METHOD OF FOCUSING NATIONAL ATTENTION ON A SEVERE PROBLEM THAT THREATENS OUR SOCIAL AND ECONOMIC PROGRESS AND STABILITY.

IN CONCLUSION, AS A VERY CONCERNED PHYSICIAN AND CITIZEN I HAVE ATTEMPTED TO APPROACH MY PRESENTATION IN A PROFESSIONAL ATMOSPHERE. I WOULD APPRECIATE A FEW MOMENTS OF YOUR TIME TO REFLECT ON SOME VERY PERSONAL FEELINGS WHICH I HAVE CONCERNING THE ISSUE BEFORE US.

IN AS MUCH AS I REGARD LEARNING DISABILITIES AND SOCIAL WASTAGE AS AN URGENT PROBLEM OF NATIONAL IMPORTANCE. I WOULD HOPE THAT THESE TESTIMONIES, AND THE DECISIONS TO BE MADE, WOULD NOT BE COMPROMISED BY:

(1) PROLONGED DISCUSSIONS AND SEMANTIC ARGUMENTS ABOUT DEFINITIONS OF LEARNING DISABILITIES. THE CHILD WHO HAS A DIFFICULT TIME AT SCHOOL, REGARDLESS OF ETIOLOGY OR CLASSIFICATION SCHEMA, HAS POTENTIALS FOR DISTURBED ATTITUDES AND BEHAVIORS. ALL CHILDREN WITH IMPAIRED LEARNING ARE VULNERABLE TO SOCIAL ECONOMIC AND EMOTIONAL COMPLICATIONS. LET US FOCUS ON THE CHILD AND NOT ON HIS LABEL.

(2) DELAY OR PROCRASTINATION OF OUR EFFORTS TO SUPPORT THIS LEGISLATION. A MONMENTUM HAS BEEN GENERATED DURING THE PAST DECADE TO FOCUS ON THE LEARNING-DISABLED CHILD, ANYTHING SHORT OF QUICK AND SOLID SUPPORT OF THE PROPOSAL MIGHT GENERATE APATHY. NEEDLESS TO SAY FOR THE CHILDREN, AND THEIR FAMILIES WHO ARE SO VITALLY INVOLVED, A SENSE OF URGENCY PREVAILS AND UNNECESSARY DELAYS CAN BE

MEASURED IN LOSS OF HUMAN POTENTIALS.

(3) DECISIONS THAT THE PROJECT IS TOO COSTLY. THE COST IN LOSS OF HUMAN POTENTIAL CANNOT BE MEASURED! THE COST IN SOCIAL REHABILITATION, DAMAGE TO PERSON, SELF AND PROPERTY ARE MEASURABLE AND UNDERSCORES THE NEED FOR ACTION NOW. THE COST OF LOOKING FOR METHODS OF PREVENTION ARE DIFFICULT TO ESTIMATE. THE COST OF REHABILITATION IS TERRIBLY DEMANDING. CAN WE AFFORD TO ALLOCATE TEN THOUSAND DOLLARS EACH YEAR FOR THE CARE AND FEEDING OF ONE ADULT PRISONER AND SPEND NO DOLLARS IN DEVELOPING PREVENTIVE PROCEDURES? PROCEDURES WHICH COULD HAVE SPARED AN INNOCENT CHILD A LIFE WHICH WOULD EVENTUALLY PLACE HIM BEHIND BARS. IF PREVENTION WERE POSSIBLE BACK IN THE CHILD'S CLASSROOM, WOULD IT NOT HAVE BEEN MORE ECONOMICAL TO HAVE INVESTED OUR DOLLARS AT THAT TIME?

(4) PLACING THIS ISSUE WITHIN THE FRAMEWORK OF OTHER PROBLEMS REQUIRING LEGISLATIVE AND SOCIAL CONCERN. TO DILUTE THE PROBLEMS OF LEARNING DISABILITIES AND JUVENILE DELINQUENCY, BY INCORPORATION INTO OTHER ISSUES, DEEMPHASIZES THE MAGNITUDE OF THIS SUBJECT. THE LEARNING-DISABLED CHILD AND THE JUVENILE DELINQUENT IS A UNIQUE PROBLEM THAT REQUIRES A CONCERTED COMMUNITY AND PROFESSIONAL EFFORT. IT APPEARS TO STAND ALONE AS A CHALLENGE TO BE RESOLVED.

(5) TO SPEND TIME AND ENERGIES LOOKING FOR ALTERNATE METHODS OF APPROACHING THE ISSUE. A NATIONAL CONFERENCE IS ONLY ONE METHOD OF SOLVING PROBLEMS BUT IT IS A GOOD START. IT IS OF PARTICULAR IMPORTANCE WITH LEARNING-DISABILITIES AND JUVENILE DELINQUENCY TO CREATE A FORUM FOR COMMUNICATION BETWEEN DIFFERENT PROFESSIONALS. WE MAY NOT BE ABLE TO UNDERSTAND THE LEARNING-DISABLED CHILD UNTIL WE LEARN BETTER WAYS OF COMMUNICATING WITH ONE ANOTHER.

(6) A NATIONAL CONFERENCE WILL FOCUS PUBLIC AND PROFESSIONAL ATTENTION UPON A PROBLEM OF NATIONAL PRIORITY. THE END RESULT WILL HOPEFULLY BE TO CREATE AN ATMOSPHERE OF INTENSE INTEREST AND CONCERN. AIDING THE YOUTH OF OUR NATION IS A PROFESSIONAL CHALLENGE BUT MORE SO A PUBLIC OBLIGATION.

ONCE AGAIN MY SINCERE APPRECIATION FOR THIS UNIQUE OPPORTUNITY TO SERVE CHILDREN. I HOPE THAT MY COMMENTS IN SOME SMALL WAY MAY HELP TO IMPROVE THE QUALITY OF THEIR LIFE AND THE PROGRESS OF OUR SOCIETY. THANK YOU.

Mr. Andrews. Thank you very much, all three of you, for being here and making very fine statements. I assure you that this subcommittee will give most serious consideration not only to what you have said, but what you have recommended to us.

Thank you very much for coming.

I believe that this concludes our list of witnesses. We will now adjourn, and the subcommittee will meet again on Thursday in this room at 10 o'clock. Thank you for being with us.

[Whereupon, at 4:40 p.m., the subcommittee adjourned, to reconvene Thursday, April 28, 1977.]

[Material submitted for inclusion in the record follows:]

REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

STATEMENT BY THE HONORABLE TOM RAILSBACK

APRIL, 1977

Mr. Chairman, Members of the Subcommittee, I appreciate the opportunity to present my statement on legislation which I introduced and which is presently pending before this Subcommittee. I am also aware that there is an administration bill that has been introduced by Chairman Andrews, and which is also pending before this Committee. In 1974, I was involved in the formulation of the Juvenile Justice and Delinquency Prevention Act and have worked in the area of juvenile delinquency since I was in the Illinois legislature.

As you are aware, the Federal Juvenile Delinquency Assistance Program authorized under Titles II and III of the Juvenile Justice and Delinquency Act of 1974 is due to expire September 30, 1977. Briefly, Title II established a major grant program for activities aimed at the prevention of juvenile crime and the improvement of the juvenile justice system which is administered by the office of Juvenile Justice and Delinquency Prevention within the Department of the Department of Justice's Law Enforcement Assistance Administration (LEAA). My bill provides for a five year extension of this program with a funding level of $150 million for FY 78 and increasing to $250 million for FY 82. The administration's legislation provided only for a three year extension at a funding level of $75 million, and "such sums as necessary" for FY 79 and FY 80. This funding level is far too low and inadequate to meet the problem of juvenile delinquency.

This issue of juvenile delinquency is a very real national problem. According to F.B.I. crime index figures, over 2,078,459 juveniles under the age of 18 were arrested in 1975. Crimes committed by young people under the age of 25 cost the nation over $15 billion annually. This is 75 percent of the annual national cost of crime.

Another concern is what happens to the juveniles who are arrested. The Subcommittee on Courts, Civil Liberties, and the Administration of Justice, on which I am the ranking minority member, has jurisdiction over the Federal prisons. During the last five years, I have visited and talked with many administrators , correctional officers, and inmates. While I am talking primarily about adult correctional institutions, many juveniles are confined to these places. At the present time we do not even have accurate figures on juveniles in adult institutions. It has been estimated that the number of young people in these jails is between 100,000 to 500,000. Last year in Federal prisons alone there were over 20 homicides and it is estimated that over half of all Federal inmates were sexually assaulted. I am quite sure these figures would be much higher in our state prisons. We all know, and so do our children, that they are prime prey for assault and physical abuse in adult facilities.

Our prisons are also considered to be excellent training schools in crime. The rehabilitation programs have not been successful. It should not be a surprise when figures show that three out of every four juvenile offenders who are committed will commit subsequent crimes. I certainly think that this is one of the saddest indictments of our criminal justice system. It is particulary sad when one realizes that often the juveniles committed are "status offenders." Had they been

18 their actions would not have been a crime. Over 25% of juveniles being detained are status offenders. In other words, many are runaways or truants.

In doing research for a recent speech, I was amazed at the lack of information we have available on the institutionalization of juveniles. We have the information on how many crimes juveniles commit and the cost to this country. But, we do not know how many juveniles are in adult institutions, and whether they are separated from adults. We do not even know how many juvenile institutions we have in this nation and where they are located.

In other words, we are quick to place blame on juveniles but slow to learn when we have failed to make any headway in correcting the problem. If I have learned anything in my experiences with prison reform and the juvenile justice system, it is that progress sometimes comes slow and must sometimes be measured in millimeters. But, I do feel that we are making headway.

The Juvenile Justice Act provides that "status offenders" must be removed from juvenile detention or correctional facilities and placed in sheltered facilities. The Act also states that juveniles confined in any institution cannot have any regular contact with adult inmates. These are two important steps in improving the juvenile justice system and I am hopeful that compliance will be met this fall. It is important that Title II funds be continued so that the programs and research in the area of juvenile delinquency can be continued. It is equally important that Title III which provides funds for runaways and other homeless youths be continued. Such shelters act to keep youths from the horrible experiences of jails and also provide the first step in returning home. I cannot stress enough the need for the continuation of these programs.

Thank you.

NATIONAL CONFERENCE ON LEARNING DISABILITIES
STATEMENT BY THE HONORABLE TOM RAILSBACK
APRIL, 1977

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to briefly address the Committee in support of H.R. 1137, the National Conference on Learning Disabilities and Juvenile Delinquency. This bill was introduced by my colleague Claude Pepper and Congressman Hawkins and I are Prime Sponsors of this legislation.

The area of learning disabilities is one we know exists. Yet, it is a problem about which we have little knowledge or with which we have not become involved. In speaking with teachers in my district, I find that there are many definitions for learning disabilities. Some teachers and educators include those who have normal intelligence but cannot read. Others include those with mental retardation and motor function problems. We do know, however, that many of our children have this problem.

One issue I am very interested in is that of juvenile delinquency. Studies show that there is a definite relationship between the success of an individual in school and juvenile delinquency. Our society places a great deal of emphasis on the importance of school and a good education. Inability to achieve even average grades or success in school is an extremely frustrating experience. Also, the lack of a high school diploma also means the lack of a good job. It is not surprising that these unsuccessful students will develop antisocial tendencies. In a study done in Colorado, statistics showed that 90.4 percent of juvenile delinquents had a learning disability. I am sure that if our Federal and state institutions were surveyed we would find that over 50 percent of the inmates had not completed high school.

I was pleased when my state, Illinois, passed a special education bill in 1965. This bill classifies fourteen learning disabilities and mandates that the school district must provide services to these students. This has not solved the problem, but I feel that this is an effective start and of course there are many other students with these problems in many other states.

This bill will provide for state and a national conferences on the problem of learning disabilities. The conferences will assess the progress that has been made and develop a plan to coordinate cooperation between professionals and agencies along with making recommendations on programs to assist the learning disabled. These conferences, I also feel, will help to make the public aware of this problem.

I again would like to thank the committee for the opportunity to present this statement and would again like to urge a favorable report on this legislation.

Thank you.

DON YOUNG
Congressman for All Alaska

Committees:
INTERIOR AND INSULAR AFFAIRS
MERCHANT MARINE AND FISHERIES

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April 7, 1977

Honorable Ike F. Andrews
Chairman, Subcommittee on Economic
  Opportunity
320 CHOB
Washington, D.C.

Dear Representative Andrews:

I am aware that your Subcommittee will begin hearings on the Juvenile Justice and Delinquency Prevention Act on April 22, and I wanted to request your consideration of two points that I feel are important in order for Alaska to continue to participate in the program.

Sections 223 (12) and (13) of the Act require that participating states ensure that status offenders be deinstitutionalized and juveniles are not held with adults in detention facilities within a two year time-frame.

Due to physical and financial limitations, Alaska cannot respond to these mandates in all areas of the State within the limited time. As you well know, Alaska's small population spread across its vast geograph presents unique problems in making equitable services available to all areas of the State.

In many areas, shelter alternatives for status offenders who cannot be returned to their homes are presently non-existent; and, where they do exist, they are not geared to handling children who may be out of control from alcohol abuse. Providing one of these shelters facilities in Alaska easily equals the State's yearly allotment of Juvenile Justice and Delinquency Prevention Act funds.

The Division of Corrections estimates it will cost at least $100,000 to modify one state facility for the separation of juveniles and adults. At least five other facilities are in need of this kind of modification, and there are any number of small facilities under local jurisdiction in remote areas that are out of compliance.

In order for Alaska to continue to participate in the juvenile justice program, amendments to this Act during its re-authorization must:

1) Permit states to proceed with the implementation of the Acts major objectives at a pace that is appropriate for each state and:

2) Permit states to expend allocated funds to effect the implementation of sections 223 (12) and (13) on the basis of local needs rather than federal requirements.

The need to provide services to youth and equitable juvenile justice throughout Alaska is critical. I urge your assistance in making this Act viable for juveniles in all states, those that do not have the financial capabilities for immediate compliance as well as those that do. Historically Alaska's statutes have supported the philosophy and intent of the Juvenile Justice Delinquency and Prevention Act, and it is my hope that the Act will be amended to permit our continued participation.

Sincerely,

Don

DON YOUNG
Congressman for all Alaska

DY:pm

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. [illegible]

APR 21 1977

APR 20 1977

Honorable Ike F. Andrews
Chairman, Subcommittee on
Economic Opportunity
Committee on Education
and Labor
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request of April 11, 1977 for the Director's comments on H.R. 6111, the "Juvenile Justice and Delinquency Prevention Amendments of 1977."

This legislation was proposed by the Department of Justice in keeping with the Administration's commitment to reduce juvenile delinquency in the United States and improve the criminal justice system's overall response to this problem. Therefore, enactment of H.R. 6111 would be consistent with the Administration's objectives and we urge its early enactment.

Sincerely,

James M. Frey

James M. Frey
Assistant Director for
Legislative Reference

National Governors' Conference

Reubin O'D. Askew
Governor of Florida
Chairman

Stephen B. Farber
Director

STATEMENT

OF

COMMITTEE ON CRIME REDUCTION AND PUBLIC SAFETY

OF THE

NATIONAL GOVERNORS' CONFERENCE

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY, COMMITTEE ON

EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

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HALL OF THE STATES • 444 North Capitol Street • Washington, D.C. 20001 • (202) 624-5300

The National Governors' Conference strongly supports extension of the Juvenile Justice and Delinquency Prevention Act. We believe that this legislation has significantly assisted state and local governments deal with one of our country's most pressing social problems, juvenile crime and juvenile justice. Because criminal justice and law enforcement are largely state and local issues, the Juvenile Justice & Delinquency Prevention Act cannot, of itself, eliminate juvenile crime. However, it has proved a crucial tool for state and local government in helping them in their efforts to bring juvenile crime rates under control.

The National Governors' Conference supported the Act's FY 77 funding level and it believes that FY 78 funding should be at least $75 million as requested by the Administration. Accordingly, we believe that in addition to extending the program for three years Congress should assure that its authorization level is high enough to accommodate at least a $75 million funding level for FY 78, and necessary increases for subsequent fiscal years. In that respect, the reauthorization language in HR 6111 seems appropriate because it acknowledges that Congress must set funding levels for subsequent fiscal years based on the program needs at that time. We do suggest, however, that the FY 78 authorization level should be increased to $100 million to allow the Administration to seek a supplemental appropriation, if it chooses.

In too many cases program authorization levels have had little relationship to actual appropriations. They have too often served as artificial program ceilings Congress never intended matching. With the passage of the Budget Control Act, Congress now sets individual program funding levels as parts of larger general funding categories, thus making individual program funding part of a more rational overall scheme. In this context, HR 6111's proposed new Sec.261(a) would allow Congress the flexibility to determine necessary funding levels without raising expectations by setting unrealistic authorization levels.

This provision places a special responsibility on the authorizing committees, however. They have an obligation to conduct ongoing oversight of the program to better enable them to make specific and meaningful recommendations to both the Budget and Appropriation Committees early in each congressional session. A failure to express their views would be an abdication of substantive legislative responsibility to funding committees which do not possess the same measure of program expertise. We trust that it is the intention of this subcommittee to conduct such oversight.

Of equal concern to the Governors is the fact that one fifth of the States do not now participate in the program. In prior years that figure has been even higher, which indicates that the program's impact has not been as widespread as we would hope. The reasons for nonparticipation largely center on Section 223(a)(12) and (13) which require deinstitutionalization of status offenders and separation of adult and juvenile offenders in corrections facilities, respectively. Several States may philosophically disagree with the concept of deinstitutionalization; they may believe that so-called status offences are appropriate and that existing state law should not be changed in order to be eligible for funding under this Act. That is a matter for each State to decide. But for those States which may agree to comply but which find that the two year compliance period is too rigorous, some accommodation should be made. In this respect, we believe that the proposal in HR 6111 which allows States greater flexibility to comply with 223(a)(12) is an improvement. Those States which philosophically disagree with the requirement may continue to do so. However, for those States which are attempting to comply with 223(a)(12) but have found it impossible to do so within the prescribed two year period, it is appropriate that the Administrator have the flexibility to extend the compliance period for a reasonable period of time. We suggest that such a provision authorize the Administrator to allow a State three rather than two years to comply with the provision, plus an additional two years if the State is making a diligent effort to attain the goal of deinstitutionalization and can demonstrate significant progress in meeting that goal.

The same argument should apply to the separation requirements of 223(a) (13) for States which find it impossible to give immediate assurance of compliance but which can do so if given a reasonable extension of time. We suggest that the same discretion provision apply to 223(a)(13) as would apply to 223(a)(12).

We would add a caveat here. Questions are being raised among many juvenile officials whether the Juvenile Justice and Delinquency Prevention Act is becoming a status offender law. By that we mean that in attempting to comply with 223(a)(12) with its high attendant costs, States are being diverted from other worthwhile delinquency prevention efforts. We strongly urge the Subcommittee to carefully examine this issue as part of its oversight function.

We urge that the work of the Office of Juvenile Justice and Delinquency Prevention be more closely coordinated with the work of LEAA, in which it is housed. The "maintenance of effort" provision in Sec.520(b) of the Crime Control Act assures that nearly twenty per cent of the Crime Control Act funds are spent for juvenile delinquency prevention. That effort should be closely coordinated with the work of the Office of Juvenile Justice and Delinquency Prevention. Unfortunately, it is the experience of many that such coordination is often lacking. This will assure that available resources are used to the best advantage. A strengthening and upgrading of the head of the Office of Juvenile Justice and Delinquency Prevention would help to bring this about.

We also urge the Agency to coordinate its discretionary grant efforts more closely with the States. The delinquency prevention efforts of the Crime Control Act should mesh with the Juvenile Justice and Delinquency Prevention Act to promote a comprehensive juvenile justice program at the state and local level.

Compared with many other federal programs, the funding level for the Juvenile

Justice and Delinquency Prevention Act remains relatively small. Nonetheless, this program confronts and deals with one of the most critical social issues facing American today. We support the program and we support its purpose. We urge Congress to move rapidly to reauthorize this valuable program and to appropriate sufficient funds to allow federal, state and local juvenile justice agencies to carry out its directives.

NATIONAL LEAGUE OF CITIES **UNITED STATES CONFERENCE OF MAYORS**

STATEMENT

On Behalf Of

THE NATIONAL LEAGUE OF CITIES

AND

THE UNITED STATES CONFERENCE OF MAYORS

Before The

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

of the

HOUSE COMMITTEE ON EDUCATION AND LABOR

April 27, 1977

1620 Eye Street, N.W., Washington D. C. 20006 / 202-293-7300

The National League of Cities and the United States Conference of Mayors appreciate the opportunity to comment on bills to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974. Our remarks are directed both to S. 1021 and H.R. 6111.

Juvenile crime figures continue to escalate at an alarming rate. Combined with the idleness created by diminished job opportunities for our younger people, this trend seems destined to be with us for a long time. When the Juvenile Justice Act was signed into law in the fall of 1974, it showed great promise as an instrument to assist local governments in their fight against juvenile crime and delinquency. It proposed progressive steps to insure that young delinquents would not develop into chronic adult offenders. Provisions requiring the deinstitutionalization of status offenders and the separation of adults and juveniles in detention facilities were consistent with policies adopted by NLC and USCM. Opportunities for local government to develop community-based programs for juveniles were welcomed. It is with some reluctance then, that we must conclude that the federal juvenile delinquency effort has not, in our judgment, fulfilled its promise.

In October 1976, we surveyed some large city criminal justice planners and officials to discover the extent of their input into the state planning process for programs administered by the LEAA Office of Juvenile Justice and Delinquency Prevention (OJJDP). We found that only one-third of 39 large cities with populations over 250,000 surveyed had received any funds from any portion of the program. Ten cities had been denied planning involvement because of decisions by their state planning agencies (SPAs) not to participate.

The questions asked in the survey were similar to those included in a survey taken in January of 1976, immediately after first year plans under the Juvenile Justice Act were due from the SPAs. While improvements occurred between the two survey periods, many of the problem areas identified in the earlier survey continued to be noted by respondents.

Under the Juvenile Justice Act, SPAs are required to seek the "active consultation and participation" of local governments in developing statewide juvenile justice plans. This local planning input has not been present. Of the 29 cities in participating states, 21 percent had never been contacted by their SPAs about plan input. While this is an improvement over last January when 43 percent reported no input, it remains dismally low. Only 31 percent reported frequent contact.

To determine whether large city planners believed their input to be adequate, the survey asked respondents if they felt they had been "actively consulted" about plan development. Thirty-one percent replied "yes," 45 percent "no," and 24 percent were unsure.

In addition to mandating "active consultation and participation" of local governments, the law also requires that the state juvenile justice plan indicate that the "chief executive officer of local government" has designated that planning responsibility to a local agency. Planners were asked if their mayors or city managers had been invited or directed by the SPA to meet this requirement. Only 25 percent responded in the affirmative. In one state it was reported that the SPA had defined the regional planning unit (RPU) as "local government" and designated the RPU director as the local chief executive. This clearly violates the spirit and letter of the Act.

Another way to guage large city planning participation in the Juvenile Justice Act is to assess what resources have been made available to them for that purpose. Under the Act, states are permitted to retain 15 percent of their total Juvenile Justice Act allotment for planning purposes. However, the Act stipulates that the "State shall make available needed funds for planning and administration to local governments within the State on an equitable basis." Planners were asked if they had received any planning funds. Only three of the 29 respondents had received planning money by October of 1976.

Criminal justice personnel were also asked if their cities had received any money from any segment of the Juvenile Justice Act, including planning, special emphasis, and formula funds. Sixty-seven percent indicated that they had not. Thus, after three years of implementation, the Act has not had any substantial impact at the local level.

Obviously, the level of appropriations for juvenile justice and delinquency prevention programs has contributed significantly to its ineffectiveness. Recognizing the reality, however, that it is unlikely the Congress or the Administration will dramtically increase spending for OJJDP, we suggest a reallocation of funds to provide more money for action programs.

In the belief that planning and administration for juvenile justice can be combined with general criminal justice planning, we are willing to sacrifice our small share of these funds so that more action dollars are available. SPAs and regional and local criminal justice planning units were developing plans for the expenditure of regular LEAA funds on juvenile justice programs prior to the passage of the Juvenile Justice Act. They can continue this process. In fact, an amendment to the Crime Control Act of 1973 required that states develop comprehensive plans for juvenile justice in order to receive LEAA approval for the overall criminal justice plan. Therefore we recommend that in light of the limited funds available, the law be amended to disallow the use of any portion of the formula grant for planning and administration.

Current law provides that not less than 25 percent nor more than 50 percent of the funds allocated under Part B--Federal Assistance for State and Local Programs--shall be available only for special emphasis grants from the Administration. We propose reducing this to 15 percent and 25 percent, respectively. This would free up more funds for state and local government to expend on juvenile crime and delinquency programs.

Still another method to stretch the juvenile justice and delinquency prevention dollars is to better link federal programs at the local level. While the federal coordinating council mechanism is probably sufficient for achieving coordination among programs operated by various federal agencies, work needs to be done in the cities and counties to insure that coordination exists at all levels of government. For example, financial incentives could be provided to local governments which link diversion and other community-based programs to the youth employment programs contemplated under the proposed new CETA Title VIII. The incentive might be the abolition of cash match for local projects which use two or more federal programs to provide services to delinquent youth.

Turning to H.R. 6111, specifically, we believe that the amendments in the House bill are basically sound. However, the relaxation of the status offender deinstitutionalization requirement should, in no way, reflect an intent on the part of Congress to abandon this goal. We would also urge an increase in the authorization level from $75 million to $150 million for FY 78.

To summarize, the National League of Cities and the United States Conference of Mayors recommends that the House Subcommittee on Economic Opportunities consider the following points in reauthorization of the Juvenile Justice and Delinquency Prevention Act:

- Elimination of juvenile justice funds for state planning and administration.
- Reduction percentage allocations for special emphasis grants.
- Provision of financial incentives to local governments which link two or more federal youth service programs.
- Use of caution in relaxing the requirement that status offenders be institutionalized.

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APR 27 1977

NATIONAL COUNCIL ON CRIME AND DELINQUENCY

CONTINENTAL PLAZA • 411 HACKENSACK AVENUE • HACKENSACK, N. J. [illegible] • [illegible]

April 25, 1977

Mr. William F. Causey, Counsel
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Causey:

The National Council on Crime and Delinquency appreciates the opportunity to comment on H.R. 6111 currently pending before the Subcommittee on Economic Opportunity. The extension and amendment of the Juvenile Justice and Delinquency Prevention Act of 1974 is of great concern to NCCD.

The attached has been prepared for submission to the Subcommittee. Due to the brief notification, I have touched only on the issues of major concern to NCCD. Please feel free to request further information and rationale as needed.

Sincerely,

Gwen Ingram

Ms. Gwen Ingram
Director, Youth Services

GI/erk

Encl.

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NATIONAL CENTER FOR YOUTH DEVELOPMENT: HACKENSACK, NEW JERSEY • VIP: ROYAL OAK, MICHIGAN

WRITTEN TESTIMONY OF THE
NATIONAL COUNCIL ON CRIME AND DELINQUENCY
SUBMITTED TO THE
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
APRIL 25, 1977

Since its passage, the National Council on Crime and Delinquency has followed the implementation and progress of the Juvenile Justice and Delinquency Prevention Act of 1974 with concern and interest. We believe the JJDP Act is a definite step forward in the provision of humane and appropriate services to youth coming in contact with the law. We appreciate this opportunity to submit our thoughts on the extension and amendment of the JJDP Act to the Subcommittee on Economic Opportunity.

We urgently support the extension of the Juvenile Justice and Delinquency Prevention Act of 1974. Nationwide participation in the deinstitutionalization of status offenders has acquainted NCCD with the impressive progress of many states. South Carolina has moved 50% of incarcerated status offenders into community placement in less than one year. Connecticut will reach full compliance (removal of all status offenders from institutions) within a few months. Under Act 509, Arkansas mandates the deinstitutionalization of all status offenders. Utah has passed into law H.B. 340 which decriminalizes runaways and "ungovernables." Such effective action would not have been possible without the stimulus of the OJJDP Act. States considering or initiating compliance efforts need the long-term assurance and financial support outlined in H.R. 6111.

While many advocacy agents express concern over the amended time of compliance, NCCD is more concerned over the urgency of extension. The transitions, outlined in the JJDP Act, take time. As the progress of states achieving compliance is shared with those in non-compliance, many of the present doubts and suspicions should be alleviated. We urge that the amended bill allow the flexibility needed for all states to eventually come into compliance.

Unfortunately many states feel time is needed to build community residential facilities for status offenders. Such thinking threatens a new system with old myths. Development of a community system of incarcerative facilities is not the purpose of this Act. Current facts show that the same abuses occurring in state institutions are easily duplicated in private community facilities. The Act was originally designed to promote the provision of supportive services, not residential facilities, to youth in a community setting. We understand the proposed amendment of Part B-Section 223(a) (12) as clarifying this point by allowing other community placement than residential. It is unfortunate that the term "shelter" has been misinterpreted to mean a long-term residential facility. NCCD urges strict standards to guarantee the use of "short-term" nonsecure residential facilities only when needed. Major emphasis should be on the development of support services designed to maintain the majority of offenders in a "natural" home setting. Besides being more cost effective, this suggestion allows existing agencies to expand their capacity to serve this population.

Consistent with the above suggestion, NCCD supports foster homes as alternative placement only when "natural" homes are inadvisable. Mr. Peter Edelman, Director of the New York State Division for Youth, supports the belief that the potential for foster homes has not yet been tapped. In remarks before the February meeting of the New York Coalition for Juvenile

Justice and Youth Services; he said:

> "There are 100 new family foster care slots. By the way, I want to stress that ironically, or unpredictably, getting new foster families has been the easiest thing to do. There is a mythology out there that says people don't want to take care of difficult adolescents."

An innovative program by the Florida Division of Youth Services has utilized the same principle of home placement by recruiting volunteer foster homes. 850 volunteer foster homes handle the placement of status offenders at less than one-sixth the expense of traditional detention.

The clause providing assistance to private nonprofit organizations at up to 100% of the approved cost of any assisted program is appropriate. However, we would be remiss if we did not remind the Subcommittee that the same level of match to the private nonprofit sector was possible under the '74 Act, but denied by the LEAA administration. Foundations and corporate supporters perceive juvenile justice and delinquency prevention as well-supported by federal monies and have allocated contributions to other areas of social concern. This misconception has greatly hindered fundraising efforts. This should not lead to a federal misconception that private non-profit organizations are in any way lacking in concern or ability.

The allocation of monies to provide staff for the Advisory Committee is long overdue. Activities and efforts have been greatly hindered due to a lack of staff. It is unfortunate that such valuable time has been lost in the utilization of this Committee. The potential of the Advisory Committee cannot be realized until such staff is provided.

NCCD supports an authorization of $75 million for the first fiscal year. We suggest the development of strict standards to guarantee the major use of such funds for the provision of support services to status offenders living in "natural" or foster homes. Caution should be taken that the dispersement of such funds not duplicate the services of other federal efforts. For example, monitoring standards should assure that new programs in delinquency prevention represent an agency expansion of capacity to serve those in danger of delinquency.

Due to the time limitations imposed by your notification, the National Council on Crime and Delinquency has outlined its major concerns related to present implementation and pending amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. The Subcommittee on Economic Opportunity has a great responsibility before it. The spirit of this law was to: 1) deinstitutionalize those juveniles whose behavior had never warranted an incarcerative atmosphere; 2) to develop the capacity of existing agencies in the community to better serve this population of youth; 3) to promote collaboration among and between federal, public and private agencies concerned with youth in danger of delinquency; and 4) to move this nation toward a more humane and appropriate delivery of services to youth reacting to family, school and social problems.

Thank you for this opportunity to express our thoughts and concerns to the Subcommittee on Economic Opportunity. The National Council on Crime and Delinquency is willing to help the Subcommittee in any way consistent with our philosophy and policy stands.

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the national coalition for CHILDREN'S JUSTICE
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April 25, 1977

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William Causey, Counsel
House Subcommittee on
Economic Opportunity
320 Cannon House Office Building
Washington, D. C.

Dear Mr. Causey:

On behalf of the Coalition, I would like to thank you for the opportunity to comment on legislation to extend and amend the Juvenile Justice and Delinquency Prevention Act of 1974.

Throughout the past year, Coalition staff have been working closely with administrators of juvenile corrections programs in a number of states. We have seen first hand the positive impact the Act's deinstitutionalization requirement has had on state juvenile justice systems. Even states such as California that opposed the time limit for releasing noncriminal children from penal institutions contained in the 1974 Act have, once they set their minds to it, made astonishing progress. Ninety-two percent of all California's status offender children will be out from behind bars by the end of the year. Officials from that state and many others, including Virginia, Florida, New York, Iowa, Minnesota, and Maryland have used the Federal requirements as a lever to pry loose funds from their own state legislatures for the establishment of alternative, community-based facilities to serve status offender youth. We hope that Congress, as it considers changing the deinstitutionalization requirement, keeps in mind the rapid progress that has been made in numerous states over the past two years, even in the face of lowered appropriations. Instead of watering down this important section of the Act, consideration should be given to increasing formula grant funds so that the fifty states can complete the process of deinstitutionalization successfully.

We are grateful for Congressman Andrews' interest in and concern for the nation's troubled children and are confident that he and the other members of the Subcommittee will do their best to ensure a bright and productive future for them.

With best wishes,

Kathleen Lyons

Kathleen Lyons
Washington Representative

The National Coalition for Children's Justice is grateful for the opportunity to comment on legislation reauthorizing the Juvenile Justice and Delinquency Prevention Act of 1974. We approach this legislation from the point of view of an advocacy organization, concerned with the rights and treatment of institutionalized youth.

Although implementation of theAct under the previous Administration got off to a slow start, the Coalition feels strongly that it carries great potential for reducing juvenile crime and developing alternatives to massive scale incarceration of troubled youngsters. Since the Act was passed in 1974, efforts underway in many states to overhaul outdated juvenile codes and modernize the juvenile court system have picked up considerably. This is no accident. We urge Congress as it considers amending the Act this year not to lose sight of its tremendous value as a spur to states and communities across the country to develop effective and humane programs for troubled youth. Existing momentum must not be lost; rather, we urge that the precepts set down in the 1974 Juvenile Justice andDelinquency Prevention Act be reaffirmed and strengthened.

The Coalition supports amendments contained in both H.R. 6111 and S. 1021 to strengthen the Office of Juvenile Justice and Delinquency Prevention within LEAA and to give the Assistant Administrator clear authority over all LEAA-funded delinquency prevention programs. We also endorse efforts to beef up the Federal and state juvenile justice advisory boards and believe the proposal contained in H.R.6111 to require membership of advisory board representatives on state criminal justice planning boards as well, should receive serious consideration.

Part B, the formula grant section of the Act, is the heart of the Federal initiative to improve the juvenile justice system. Congress has set out modest requirements that states must meet in order to be funded under this Section while at the same time providing the states sufficient flexibility to establish innovative responses to local needs. Part B requires states to adopt comprehensive plans for delinquency prevention and treatment, to remove status offenders from correctional settings within a two-year period, and to prohibit the intermingling of juvenile and adult offenders in correctional facilities. At the time the law was passed, approximately 70% of all incarcerated females and 23% of incarcerated males fell into the status offender category. For a number of years, experts have felt that these troubled youngsters, who have committed no offense for which they would be charged if adults, would be better served by diversionary programs outside the juvenile justice system, thus freeing up the latter to deal more effectively with serious youthful offenders. This provision of the Act more than any other has been a catalyst for change, encouraging states and communities to establish new facilities and services for their status offender population. Congress should not now draw away from this important commitment to helping troubled youth by either extending the two-year time limitation for deinstitutionalization contained in the original Act, as suggested in S. 1021, or by accepting the Administration's language which, in fact, makes the "full compliance" standard meaningless because it allows states to be in non-compliance and still conform to the law. We are sympathetic to the problems that some rural parts of the country are having in meeting the 100% deinstitutionalization requirement but feel that a weakening of the Federal will, at this point, will cut the ground from under state administrators in their efforts to secure support for community-based alternatives to incarceration from their own legislatures and governors. The rapid progress toward deinstitutionalization achieved by such diverse states as California, New York, Virginia, and Florida show that this goal can be achieved if a firm commitment exists at the state and local level to its realization. The Coalition strongly urges that if the compliance period must be extended, it be for no more than an additional year, thus giving states three full years after Federal funding to develop the care and treatment resources necessary to salvage this most vulnerable part of our youthful population. This subcommittee has heard testimony that even in the ten states not presently receiving formula grants, efforts are underway to remove status offenders from correctional settings. If this is the case, these states should very soon be in a position to guarantee compliance with the Act's requirement for total deinstitutionalization two years hence and thus become eligible for formula grants. Deinstitutionalization is a desired goal, not only for reasons of efficiency and cost but, more importantly, because it is just. The vast majority of juvenile correctional facilities are not very nice places to be: to subject noncriminal children to the debilitating effects of chronic neglect and social isolation, and to the continual threats of physical assault, rape, and drug dependence which, unfortunately, characterize institutional life is simply wrong. Congress should not be a party to it.

Section 223(a)(12) of the Act can be further strengthened by adopting an amendment proposed by Senator Bayh which prohibits incarceration of dependent/neglected children as well as status offenders. It is only common sense that these children, many of whom have been abused and neglected in their homes, not be placed in settings where they are high risk candidates for continued maltreatment. The Coalition has been urging Congress for some time to show at least a minimal concern for these children by enacting a prohibition against incarceration such as is contained in S. 1021.

There has been a good deal of debate over whether status offenders "must" or "may" be placed in shelter facilities. The intent of Congress in formulating the original deinstitutionalization requirement is clear but people have been confused over what constitutes a "shelter facility." Congress, obviously, doesn't want to preclude the possibility of utilizing other suitable placement alternatives such as returning the child home or placing him/her in a foster or group home. We believe that the least complicated way of solving this problem is to delete the clause after "correctional facilities" so that paragraph (12) simply requires removal of status offenders from juvenile detention and correctional facilities without trying to define permissible substitutes for incarceration. If this is done, however, it should be made clear in the hearings record that Congress intends that nonsecure, small, community-based facilities such as group homes be made available for placement of noncriminal youngsters.

The other reform that was required of states participating under the Act is contained in paragraph (13) and relates to the intermingling of juveniles with adults in prisons and jails. As the law now reads, "regular contact" is prohibited between these two groups. Unlike the deinstitutionalization mandate, this requirement has not really had appreciable affect on the jailing of children. As has been noted by other witnesses, children are often sexually molested or subjected to other forms of abuse at the hands of adult prisoners. The Coalition believes that the time is ripe for Congress to require states, over a two-year period, to remove all juveniles who have not been waivered to adult/criminal court from the nation's jails. Although we would like to see a halt put to the jailing of young people regardless of the criminal charges against them, the exception outlined above, which would permit the continuation of housing "waivered" juveniles in adult penal institutions, ensures that urban areas that jail large numbers of serious juvenile offenders would be able to comply with a minimum of difficulty.

In regard to Section 224, the special emphasis program, the Coalition supports amendments contained in both the Bayh and Administration bills authorizing the use of these funds for youth advocacy programs. In order for a private nonprofit advocacy organization to take part in this new initiative, however, we believe it necessary to remove the hard match requirement. The majority of existing advocacy groups operate very close to the fiscal bone and, in our opinion, would not be able to participate in special emphasis programming if a cash match is required.

In setting future funding levels and determining the length of the reauthorization period, several important factors need to be taken into account. The Act should be renewed for a minimum of three years which will give states the assurance they need that the Federal will has not flagged. However, the Coalition feels that the five-year reauthorization period proposed in S. 1021 is excessive. Since Congress will not have the opportunity for a sustained examination of the Act this year due to time constraints exacerbated by the new budget process, an opportunity for evaluating progress under the law should be provided for in the not too distant future.

We join with other organizations testifying in cautioning Congress to consider the effect oflowered appropriation levels under the Safe Streets and Crime Control Act on state juvenile justice programs in setting authorization ceilings for the Juvenile Justice Act. We support an authorization level of $100 million for FY '78, rising to $150 million in FY '79 and to $200 million in FY '80. We recommend that Title III, the Runaway Act, be renewed as is for two years which will give the Department of Health, Education and Welfare the time it has requested to integrate this program within a comprehensive national policy for children and youth. The Coalition would also like to endorse Representative Pepper's proposal for a national conference on learning disabilities. Far too little attention has been given to the relationship between learning problems and antisocial behavior. It is our belief that many of our juvenile institutions could be emptied if ways were found to help children with learning disabilities succeed in an educational environment.

We would like to conclude our testimony with a recommendation that Congress hold additional hearings on juvenile justice issues that have not received sufficient consideration because of time pressures during the reauthorization process. Among the subjects ripe for discussion are Senator Birch Bayh's proposal to create a national child advocacy office within the Justice Department; methods of monitoring the maintenance of effort requirement for juvenile justice programming included in last year's amendments to the Safe Streets Act; the effects of longterm institutionalization on children; and alternatives to incarceration that have been developed around the country by creative and caring youthworkers. The Coalition hopes that this Subcommittee will find an opportunity this summer to explore these issues, thereby reinforcing Congress's commitment to the establishment of an effective national policy of delinquency prevention.

NORTH CAROLINA LEAGUE OF MUNICIPALITIES
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April 26, 1977

Congressman Ike Andrews
Chairman, Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320
Cannon House Office Building
Washington, D. C. 20515

Dear Ike:

I hope things are going well in Washington. From what we read in the papers there appears to be a lot happening with the new administration and with Congress. In my new position with the League of Municipalities, it appears almost mind boggling if not frightening. I do look forward to working with you and your staff in the formulation of policies and providing some response to congressional proposals.

Approximately two weeks ago, William Causey asked that I submit a statement regarding my impressions of and experience with the Juvenile Justice Delinquency and Prevention Act. I am enclosing the congressional testimony that I developed and ask that you and your Subcommittee review and consider my comments. I appreciate the opportunity to provide these statements to you and hope that they will be of some benefit to you, your staff, and your Subcommittee in its important deliberation. If I can be of further assistance to you in this regard, please do not hesitate to contact me.

I will be meeting with Arch this week and will inquire if the girls in the office are making him work enough. My best personal regards.

Sincerely,

Ed

Edwin L. Griffin, Jr.
Director, Intergovernmental Programs

ELG:blm

Enclosures

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A STATEMENT CONCERNING THE JUVENILE JUSTICE DELINQUENCY AND PREVENTION ACT AND AMENDMENTS THERETO (H.R. 6111)

Delivered To:

Subcommittee On Economic Opportunity
Of The
Committee on Education and Labor,
United States House of Representatives
Congressman Ike Andrews, Chairman

By:

Edwin Lowe Griffin, Jr.

April 26, 1977

STATEMENT

Mr. Edwin L. Griffin, Jr.

To The House Subcommittee on Economic Opportunity

April 26, 1977

I would like to begin my statement by expressing my appreciation to you for allowing me to comment on the Juvenile Justice Delinquency and Prevention Act and specifically amendments which would alter the existing Act and subsequently its administration. My remarks do not represent official North Carolina League of Municipalities' policies, but do reflect my professional experience and feelings regarding the criminal justice system and specifically the juvenile justice system in North Carolina.

PREFACE

Children are our most valuable resource. The future is dependent upon acceptance of the responsibility regarding our next generation. Children are a politically popular topic, but as an aggregate themselves, they do not represent a mature responsive lobbying effort. They cannot go to Congress and explain their difficulties. We rely on adults to determine the appropriate methods of addressing juvenile or children's needs. I am not about to suggest that children have a self-determination in their destiny, but I am adamant in my position that we do examine, reasonably, the alternatives and programs which will have an effect on the improvement of their treatment and the quality of life available to them.

We must be cognizant to be determined in our efforts to improve the plight and opportunities for children and yet not be overzealous in our enthusiasm to the point of being impractical in our methodology. In so doing, we can avoid an "overkill" situation where little good is achieved regardless of the credibility of the goal. We have experienced this in North Carolina and in many other states with the Juvenile Justice Delinquency and Prevention Act. The present guidelines and requirements, designed to improve the situtation for children (juveniles), take such giant strides in such a limited time frame that this process and schedule required simply eliminates, both financially and logistically, the possiblity of accepting Juvenile Delinquency and Prevention Act funds. In the following remarks, I wish to address some aspects of the Act which might be considered that would allow for participation by the State of North Carolina and many other states.

Although my remarks are designed to respond to the issue of the Act and availability of funds, my interests and concern is with improving the juvenile justice system and opportunities to improve a successful way of life for children who are in some difficulty, or by environment, will soon face difficulty. Through sensitivity and awareness on the part of Congress in developing the legislation, and a common sense approach to administering the program on a local, state, and particularly, federal level, the use of these funds have the potential for great assistance in changing young lives in trouble. I hope that effort is realized!

EXTENSION OF THE ACT

It is my understanding that amendments to the Juvenile Justice and Delinquency Prevention Act extends that Act for three years with $75 million which is the current level of appropriations, but only one-half of the authorization. If one is going to make the effort to improve the juvenile justice system by providing an Act more palatable to non-participating states, then one must likewise be prepared to adequately fund the same. I will not suggest a dollar amount but recommend that an increase be considered of a least the percent of difference of those present non-participating states to the whole, plus 6% for an inflationary consideration which still just allows us to maintain our present level of economic support and assistance. It is my opinion that if adequate funds are provided by Congress to address this most complex and perplexing problem, and some reasonable assurance that support will be maintained for a period of time, then local governments particularly,, as well as private non-profit agencies, will have the incentive to address locally this problem. Juvenile programs are expensive. To provide an incentive finanical support cannot be token.

Several estimates have been made in North Carolina regarding the cost of deinstitutionalization of status offenders. This cost includes the development and provision of alternative services for one year. The most reasonable estimates of the cost involved ranges between seven and nine million dollars. North Carolina's annual allocation under the Juvenile Justice and Delinquency Prevention Act for the past three fiscal years combined would have been less than two million dollars.

DEINSTITUTIONALIZATION

New amendments offered to the Act still requires completion, to a major degree, of deinstitutionalization two years from the date of submission of the state's plan. In my opinion, first of all, two years is not a reasonable time to expect this phenomena to occur nationally. Second of all, the time frame involved should be tied to the acceptance of the state's plan and not the submission of the state's plan. More congressional definition is urged in establishing "good faith effort" which might qualify for a waiver from the Law Enforcement Assistance Administration, who would be the grantor.

A five-year approach, with emphasis on as great a percent as possible the first three years, appears to me to be reasonable and practical. This allows for a comprehensive approach for improving the juvenile justice system as well as addressing one justifiable, identifiable problem within that system. A natural response is what do we say to all the children who suffer the consequences of institutionalization for the next three to five years? My response is simply, what do we say to the children who will not obtain help for ten years in those states who are unable to accept the federal assistance due to the requirements of the Juvenile Justice Delinquency and Prevention Act? Once again being practical in our methodology allows us to reach a complex goal!

THE NEED TO BE EXPLICIT

Experience with LEAA on a local level, where these programs will be made or fail, has been less than productive, to be polite. Congress should not leave with bureaucrats the autonomy that allows them to skirt Congressional intent by noting the generality of the language of the Act. Children are too important for some uninformed, unexperienced bureaucrat to affect by promulgating rules and regulations that supersede or dilute the intent of Congress. I can reference one specific and consequential case in point which has a direct relationship to consideration of grants under the Juvenile Justice Delinquency and Prevention Act.

Just last year the City of Raleigh, North Carolina, was involved in two grants which exceeded a quarter of a million dollars of LEAA funds. The grants were properly developed and submitted in accordance with the submission requirements of the State Planning Agency. There is a ninety-day requirement in the Canibus Crime and Control Act which requires that the projects be approved or disapproved, and reasons for such disapproval must be provided to the applicant within ninety days of submission of an application. The North Carolina State Planning Agency after failing to approve or disapprove and notify the City of Raleigh asked that the LEAA Office of General Counsel provide a ruling on the ninety-day requirement. The Office of General Counsel did so by saying that the Act only requires that approval or disapproval be made within the ninety day period, and in effect, gave the State Planning Agency an indefinite period of time to notify the applicant regarding the action taken by the State Planning Agency. Shock and disbelief only minimize our review of the legal opinion. However, this does point out what bureaucrats can do to Congressional intent. I was involved in testimony regarding amendments to the Omnibus Crime Control Act in 1973 and specifically aware of the Congressional concern regarding the turnaround of applications. I heartily suggest that specific wording be noted in any amendments to the Juvenile Justice and Delinquency Prevention Act regarding the grant administration procedure!

A COMPREHENSIVE APPROACH

We have a serious concern regarding status offenders in institutions. The problem is being publicized and recognized as action is now being formulated to address this problem. However, our problems with children relate to a much broader base of difficulties and extend in many areas. In order to properly address the juvenile justice system and the multiplicity of problems that System faces, we must be comprehensive in our approach to children. Deinstitutionalization is a part of the answer which will begin to address many problems of children. It is not the whole answer nor does it satisfy all key requirements of addressing children's difficulties. By providing a longer time frame to deinstitutionalize, we likewise provide more time in gathering resources that will address adequately the various issues which must be resolved.

SHELTER CARE

I urge that Congress encourage the use of shelter facilities in the Juvenile Justice Delinquency and Prevention Act, but do not restrict the deinstitutionalization process to shelter care facilities. We are beginning to seriously explore the needs of children and development of alternatives to address their problems. As we enter this pioneering effort, I am confident that alternative resources will be developed and variations will be made which will be different from the prescribed definition of shelter care. Therefore, I ask that consideration be made for latitude in this requirement.

SECTION 228

It is my understanding that by deleting the "25% of" in Section 228 (c) that will allow the use of Juvenile Justice Delinquency and Prevention Act funds for authorized match for other federal grants up to 100% of the Juvenile Justice Delinquency and Prevention Act fund allocation. I would note that the goals and philosophy of the Juvenile Justice Delinquency and Prevention Act are, within themselves, laudable and commendable and should not be sacrificed or diluted as an expedient method of addressing the match requirement of other federal grant programs. If these funds are to be used for such matching purposes I encourage you to ensure that they do, in effect, address the stated purposes of assisting with the goals characterized in the Act.

IN-KIND MATCH

Having had the opportunity to direct two regional criminal justice planning and administration programs for the past four and one-half years in North Carolina, I can attest in all candor to the gross administrative difficulties associated with in-kind match, particularly with verifiability and auditing requirements. There may be a legitimate need, particularly on the part of non-profit organizations, to need the match provision of in-kind. However, if consideration is allowed for such participants, it is only fair and just to provide accommodation for local government utilization of such a match procedure. One may wish to emphasize cash match and allow the state planning agency the discretion in permitting in-kind match where a good faith effort is made. In permitting such, it should be deemed that in-kind match is the only practical match alternative for the subgrantee to accept a grant which would benefit the juvenile justice process and/or system.

NORTH CAROLINA LEGISLATURE COMMITMENT

The North Carolina General Assembly enacted legislation that prohibited the commitment of status offenders to the state's training schools after two years. This law was passed in accordance with the provisions of the Juvenile Justice Delinquency and Prevention Act in attempting to emulate the goals set at a national level. However, after the law was passed, it became quickly apparent that in North Carolina's situation the goal was practically impossible to obtain in that time period. Likewise, a county by county assessment of the needs of the youth in each county is to be made and a report provided to the General Assembly regarding the needs and resources in each of North Carolina's 100 counties. Once again this references a comprehensive approach which is necessary in dealing with this most complex problem. The North Carolina legislature is generally interested in the development of youth programs and alternative placement of status offenders. Its commitment has been shown and will be shown in its legislative record.

GOVERNOR HUNT'S COMMMITMENT

Newly elected Governor James B. Hunt, Governor of North Carolina, has made several strides in formulating commissions and programs which will significantly assist in the juvenile justice system in North Carolina. Governor Hunt is working with the North Carolina General Assembly in reorganizing the state's supervisory board of the LEAA program. The new Governor's Crime Commission represents appointees from a variety of backgrounds, many of which are responsive to, or are associated with juvenile or youth problems. Likewise, Governor Hunt has appointed a Juvenile Justice Planning Committee, and Juvenile Code Commission. He has also appointed a juvenile court judge to be the Secretary for the new Department of Crime Control and Public Safety. Under the leadership of Governor Hunt, North Carolina is well on its way to improving the juvenile justice system and problems associated with status offenders. Time is important, though, in developing proper plans; and money is an integral part of administering those plans.

CONCLUSION

In my remarks I have noted several specific areas of concern and also the important philosophical approach to a national funding effort for state and local programs. Although my remarks reflect specifically my experience in North Carolina, I cannot help but believe that the situation that North Carolina presently finds itself in, also is characteristic of many other states who are desirous of improving their juvenile justice system. We find that a lack of financial resources, the unavailability of data and the embryonic development of programs precludes our being able to provide instant remedies for age-old problems. If Congress is going to be serious about addressing a national problem of juvenile delinquency, then it must consider the entire nation and the problems associated in dealing with this national effort from fifty states and not from a few who can make tremendous progress in a limited period of time. North Carolina's commitment cannot be equaled in terms of our interest and concern for our youth. We only need to be given the resources and latitude to develop programs which address our specific problems so that our goals may be realized and our children have a better life.

I appreciate, once again, this opportunity. I hope my remarks have been of value to you in your deliberations. If I can be of further assistance to you, please do not hesitate to contact me. I wish you well as you play an important part in developing our youth and the future of our country.

CRIMINAL JUSTICE RELATED RESUME BRIEF

Edwin L. Griffin, Jr., Director, Intergovernmental Programs, North Carolina League of Municipalities

B.S. Business Administration - Mars Hill College
M.A. Public Administration - Appalachian State University

Certificate Program - Municipal Administration - Institute of Government
Certificate Program - County Administration - Institute of Government

Juvenile Court Counselor - 15th Judicial District, Burlington, N. C.
Criminal Justice Director, Western Piedmont Council of Governments
Criminal Justice Director, Triangle J Council of Governments

Member, Governor's Law and Order Commission (State Supervisory Board, LEAA)
President, N. C. Association of Criminal Justice Planners
Member, National Association of Criminal Justice Directors

STATEMENT OF HON. MARGARET C. DRISCOLL, PRESIDENT, NATIONAL COUNCIL OF JUVENILE COURT JUDGES

My name is Margaret C. Driscoll, and I am President of the National Council of Juvenile Court Judges and Chief Judge of the Connecticut Juvenile Court.

I speak here on behalf of the National Council of Juvenile Court Judges, and on behalf of that Council I thank you for inviting the Council to present its views to the Committee on this most important piece of legislation. I also speak as an experienced judge of the Connecticut Juvenile Court with seventeen (17) years on that bench. My jurisdiction extends over a population of one million (1,000,000) from the New York to the Massachusetts line, and includes urban, suburban, industrial, rural, wealthy, poor and middle-class areas.

At the outset, I want to commend the Congress and particularly this Sub-Committee, for the initial enactment of the Juvenile Justice and Delinquency Prevention Act of 1974. Whatever problems some of the provisions have created, and there are some, the overall effect of the Act has been to provide our juvenile courts, the National Council of Juvenile Court Judges, and our juvenile court personnel throughout the country with programs, resources and facilities which were heretofore not available.

The National Council, for example, has been a major beneficiary of the Law Enforcement Assistance Administration, herein after referred to as "L.E.A.A.", through grants of funds to train family and juvenile court judges and other court personnel. The Council was either the first, or among the first, judicial organization to train judges—with programs beginning in the 1950's. With the advent of L.E.A.A. funds, the original somewhat limited efforts have been expanded to provide four (4) two week training programs a year, and one week graduate sessions at our Juvenile Justice College at the University of Nevada.

In addition, we have held management institutes for juvenile justice managers, training institutes with the National Legal Aid and Defenders Association, and with the National Association of District Attorneys, the Latter funded by the registration fees, but with attendance in many instances made possible by State planning committee grants of L.E.A.A. funds to the participants.

Our research center in Pittsburgh is also funded by L.E.A.A. to collect the data formerly gathered by HEW of the operations of juvenile courts throughout the country. Part of the assignment is to redesign the model so that the data collected will have some uniform meaning and use.

I am sure that there has been an enormous impact from these programs; by increasing the knowledge of judges and other court personnel of the law and the behavioral sciences and by expanding their horizons to include the experience of other judges throughout the country, there cannot help but be an improvement in the quality of juvenile justice on the national scene. And with an improved method of gathering and assembling data on the operations of the system, we will be better able to judge what the system is doing.

The effect of our training programs throughout the country depends, of course, both on the quality of the program itself and on the number of judges and court related personnel who attend it. Since the number has continued to rise from 1,127 in fiscal year 1969 to 5,279 for fiscal year 1976, it is perhaps permissible to assume that the quality has been at least reputedly high enough to attract this increasing number of participants. And while the number of participants seems high, we estimate that only about one third of all judges presently exercising juvenile jurisdiction have been through the program. Consequently, there is still much to be done.

Nevertheless, on a national basis, Professor Robert Martinson, often quoted as an authority for the statement that no treatment works, in up dating his research on recidivism among juveniles, has discovered that the rate for juveniles is under 30 percent.

But, this is only part of the story, for all of us in the juvenile court field have had the opportunity to receive L.E.A.A. funds through our State planning commissions.

In my own State, for example, we have strengthened our court administration by the creation of the position of State director of probation services, and the post of research director, both funded by L.E.A.A. initially, and both being absorbed into either the juvenile court budget, or the budget of the State Judicial Department.

We have also been able to create resources to expand the dispositional alternatives available to the court by the use of L.E.A.A. funded programs. These include a volunteer program now built into the budget, a vocational probation program in the process of being included into our budget, a court clinic, an intensive probation program and an intake project which includes guided group interaction, parent-effectiveness training and tutoring, as some of the resources for keeping youngsters at home, in school and out of trouble.

You may ask about our success rate. Whatever the reason, police screening programs, as well as youth service bureaus funded by L.E.A.A., at least in part, may well share the credit, if there is any—the referrals to the juvenile court for 1976 were 2,000 less than for 1975 (13,000 as against 15,000).

Our statistics show that 68 percent of all referrals in 1975 were first offenders. You may be surprised to know, in contrast to some national statistical reports, that only 11 percent of all offenses referred to the Connecticut court in 1975 were "status offenses".

While no one can pinpoint the cause of these statistics, I would think that the implementation of the juvenile delinquency act must certainly be credited for whatever improvements have occurred, and for this, this committee and the Congress are responsible. In fact, it is difficult to see how what has been done in increasing programs and resources and facilities for youngsters could have other than a beneficial effect.

It is, therefore, of the utmost importance that this effort be continued at least at the present rate of funding, and hopefully at an increased rate. On no account should the amount available to implement this act be reduced.

There are, however, some things which ought to be changed in the language of the act. The major areas where changes are needed include the provisions concerning status offenders and the definitions of correctional facilites and shelter care. The changes we recommend are appended to this statement.

What our suggested amendments would do is to change the focus of the act from status offenders to those committing repeated violent offenses. Under our proposal, those offenders who are adjudicated as such on the basis of the nature of the offenses they commit, their past record, social history and clinical studies would be required to be placed in correctional facilities separate from other juvenile offenders.

MONITORING

Further, the definition of correctional facility would be limited to public training schools operated by local, city, state or federal government units. We would also suggest that the definition of community based facility be changed to eliminate the requirement that the community and consumers be involved in the planning, operation and evaluation of the program since this would make it very difficult for almost any community based program to qualify.

The proposals we are making are the result of a number of considerations:

1. The major problems States faced in attempting to attain full compliance with the act's mandate of deinstitutionalization—and which now are acknowledged by the proposed amendment of "substantial compliance".

2. The difficulties involved in defining "status offender' ; forty-seven variations were enumerated by the council of State governments.

3. The fact that the definition of correctional facility excluded status offenders from private boarding schools, group homes, treatment centers, etc., because they housed some youngsters charged with or adjudicated for a delinquency because these facilities do not use the offense to determine whether a child needs their program.

4. The assumption that the ultimate evil was a secure placement rather than the dangers which confront children who roam the streets of our cities—dangers like those exposed in the press in recent years: the Manson cult: the mass murders in Texas: male prostitution of 13 year olds in San Francisco, etc.

In addition, we felt that the emphasis should be on providing appropriate care and treatment for all the youngsters in trouble with the law, not just for those committing the "status offenses". And we also felt that if any special emphasis was appropriate, it was in providing more options for courts in dealing with the youngsters whose repeated and violent behavior make them a danger to the community. Certainly this would seem appropriate if the Martinson figures of 30 percent recidivism are accurate.

Finally, we saw as one major assumption underlying the whole question of segregating youngsters who had committed status offenses, the theory used in the adult court that the offense should be the determining factor in deciding what disposition was appropriate. This is an attack on the basic philosophy of the juvenile court—that the offense is only one of many factors to be considered in determining what is the best way of preventing the child from repeating his behavior.

Again, if the under 30 percent recidivism figure is accurate and the Connecticut statistics bear that out—whatever is being done is more successful than not. What remains to be done is to reduce that 30 percent to zero. That is where we think the emphasis should be.

For all these reasons, we are recommending the appended suggested changes and we are urging that you increase the funding for implementing this act. What is needed is even more evidence of a national concern for our children. The ultimate test of our humanity lies in how we treat our troubled and maladjusted youngsters—who will be our citizens of tomorrow.

We applaud your Committee and the Congress for giving the children of our country, at long last, some of the attention they have lacked in the past on a national basis, and with the exceptions noted, we pledge continued support of your efforts.

SUGGESTED AMENDMENTS TO J.J.D.P. ACT

Repeal Section 223(a)(12) in its entirety and redesignate Subsections (13) through (21) of Section 223(2) as Subsections (12) through (20).

Amend redesignated Section 223(a)(13) (present Section 223(a)(14) as follows: Insert "(1)" between the words "insure" and "that".

Delete "and(13)".

Insert the following after the comma which follows the words "are met": "(2) That all juveniles in detention or correctional facilities receive proper care, treatment and education. (3) That juveniles who have commited acts which would be criminal if committed by adults, and who, after consideration of their offenses and past records and their social and clinical studies, are designated dangerous and violent offenders, shall not be placed in the same correctional facilities with other juvenile offenders,"

After the above amendments redesignated Section 223(a)(13) will read as follows:

"Provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure (1) that the requirements of Section 223(a)(12) are met, (2) that all juveniles in detention or correctional facilities receive proper care, treatment and education, (3) that juveniles who have committed acts which would be criminal if committed by adults, and who, after consideration or their offense and past records and their social and clinical studies, are designated dangerous and violent offenders, shall not be placed in the same correctional facilities with other juvenile offenders, and for annual reporting of the results of such monitoring to the administrator,"

NOTE: Section 223(a)(12) in the above amended redesignated Section 223(a)(13) is the present Section 223(a)(13).

Section 103(12) is repealed and the following substituted in lieu thereof:

"The term 'correctional institution or facility' means any public training school provided by the local, county, State or Federal Governments for juveniles adjudicated as delinquent."

Parenthetically, it would also appear some definition of shelter care should be included and that the definition of community based facilities could be less detailed and, therefore, easier to effect compliance by omitting, in particular, the words: ". . . . which maintain community and consumer participation in the planning, operation, and evaluation of their programs. . . ." Section 103(1).

The Academy for
Contemporary Problems

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OPERATED BY:
Council of State Governments
International City Management Association
National Association of Counties
National Conference of State Legislatures
National Governors' Conference
National League of Cities
U.S. Conference of Mayors

April 21, 1977

Mr. William F. Causey, Counsel
U. S. House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D. C. 20515

Dear Mr. Causey:

Enclosed please find ten copies of my testimony relating to H.R. 6111, prepared pursuant to your letter of April 11, 1977. I hope the Subcommittee members find it useful. Under separate cover, you will be receiving an equal number of copies of two publications, published by the Council of State Governments, relating to P.L. 93-415, which should be incorporated into and made a part of my testimony.

Thank you for the opportunity to serve.

Very truly yours,

Joseph L. White

Joseph L. White
Fellow
Social Policy

JLW:sc
ENCLOSURES

Mr. Chairman and Members of the Subcommittee:

My name is Joseph L. White and I am presently a Fellow in Social Policy at the Academy for Contemporary Problems. The Academy is a non-profit public foundation owned and operated by a consortium of the following seven national public interest groups: Council of State Governments; International City Management Association; National Association of Counties; National Conference of State Legislators; National League of Cities; and U. S. Conference of Mayors. By way of personal introduction, I am an attorney, and hold a Bachelors degree in Political Science and a Master's degree in Social Work. I have served as Director of the Ohio State Planning Agency for Criminal Justice (SPA) and as Director of the Ohio Youth Commission. Without question, these two agencies are the ones in Ohio most affected by H.R. 6111, and I have some basis for understanding their concerns. In addition, I serve as a permanent consultant to the Council of State Governments and, in that capacity, was the principal author of two major Council publications directly related to the Juvenile Justice and Delinquency Prevention Act of 1974; namely, Status Offenders: A Working Definition (CSG, Lexington, 1975), and Juvenile Facilities: Functional Criteria (CSG, Lexington, 1977). I believe it is a fair statement that a large part of my professional life, and most particularly in the past two years, has been directed toward issues raised by the passage of the Act two and a half years ago.

After a careful review of H.R. 6111, I have concluded that most of the proposed amendments deal with bureaucratic relationships and internal politics about which I could offer little counsel. However, there are four amendments to Title II, Part B, and one to Title II, Part D, to which I would like to offer some reaction. In Part B, I refer specifically to amendments (4), (9), (13) and (14).

The present status of P.L. 93-415 among state and local officials is far from solid. Both elected officials and juvenile program administrators are extremely wary of this federal initiative, despite the incentives offered within its grant-in-aid provisions. The concerns roughly break down into three categories: those relating to fiscal impact; those relating to the extent of program modifications which LEAA will require as the minimum standard for compliance; and those relating to the underlying understandings of Congress in passing the Act in the first place, not all of which are universally shared. Evidence of the disinclination to unequivocally support the legislation can be easily discerned. Numerous States have refused to apply for funds, an unheard-of situation under similarly structured federal programs. Many States change their positions from time to time. The Act is attacked simultaneously as too weak and as too demanding. And, most significant, in those States where participation has been unwavering since 1975, very little tangible evidence can be found which would trace substantive, statewide changes to the funds received under the Juvenile Justice and Delinquency Prevention Act.

Because of these factors, I would strongly recommend that the Congress adopt a fairly conservative position with respect to substantive amendments. For example, an elimination of in-kind match (Amendment 4), and its correlative mandate for cash match, could not come at a worse time for state and local governments. Not only are the full inflationary effects of the 1974 oil embargo now being felt in the public sector, but reduced Congressional appropriations for the Omnibus Crime Control Act have forced more state and local governments to commit additional funds to continue projects in danger of being defunded. Deletion of this proposed amendment would have no fiscal impact on the federal budget, but would greatly contribute to the willingness of state and local governments to participate.

Some will argue that the escape clause offered through the passage of proposed Section 222 (e) effectively allows for an amelioration of this condition, while permitting a more effective use of the Juvenile Justice and Delinquency Prevention Act funds as leverage. In my judgment, this argument is spurious for a number of reasons. First of all, the issue of whether match is to be cash or in-kind is a matter of public policy which is within the domain of the legislative branch to decide. It is not a power that should be delegated to the executive branch. Equally important is an awareness of how the LEAA program, under both Acts which it administers, has become politicized. It is difficult enough to try to operate a national grant-in-aid program without creating no-win situations for the Administrator. If an SPA makes a formal determination, as contemplated in subsection (e), the Administrator will either have to acquiesce or face severe external pressures which he cannot effectively withstand. If an SPA refuses to make such a formal determination, the Administrator will find himself in a position of trying to arbitrate between a State and its local subdivisions. If unsuccessful, he cannot waive the need for a formal determination by the SPA. If successful, he will have earned for his labors the undying enmity of at least one state planning agency. In short, this proposed amendment is replete with mischief. As a final point, the leverage strategy simply has not proven workable. Cash match is not likely to be available if it is waivable.

With respect to Part B, Amendment 9, I cannot understand the basis for its inclusion. Unless the absence of such language has caused LEAA problems of which I am unaware, the amendment would appear to be redundant.

My major criticism of the Bill, however, must be reserved for Part B, Amendments 13 and 14. By far, the most critical sentence of the entire Act, within the contexts of state participation and compliance, is Section 223(a)(12). The three major concerns which I enumerated earlier in my testimony have all converged in the highly emotional, public debates concerning this subsection. After two years of careful study into the history and possible meanings of Section 223(a)(12), my own conclusion is that, while attempting to be unequivocal, Congress said more than it wanted or needed to say in order to accomplish its objective. If my analysis is correct, the intention was the removal of status offenders from detention and correctional facilities, not the creation of a network of residential facilities for status offenders known as shelters. This latter objective, to the extent that it was a matter of concern, was better addressed in Sections 223(a)(10) and 312. The purpose of Section 223 (a)(12) can be best understood in terms of its mandate for removal, not a mandate for placement. With this in mind, I would suggest the following substitution for Amendment (13):

(13) Section 223(a)(12) is amended to read as follows: (12) provide within four years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

The substitution would create several advantages over the present legislation and proposed Amendment (13). It would:

1. Clearly focus upon the issue of deinstitutionalization;
2. Eliminate present confusion over the nature and definition of shelter facilities;
3. Simplify monitoring for the purpose of determining compliance;
4. Expand the options available to courts without distorting the English language. For example, are homes for unwed mothers, group homes or mental health centers shelter facilities, or are they illegal placements for all status offenders? The change from "shall" to "may" inadequately addresses the issue presented;
5. Allow States to more responsibly project costs, calculate the difficulty of compliance and counter local opposition to the entire Act because of this single subsection; and
6. Eliminates the need for Amendment 14, which has similar flaws to those found in proposed Section 222(e). If Congress comprehends the difficulty of rapid compliance by States, then it should extend the time limit a reasonable period rather than imprudently delegating that authority and

thereby exacerbating an already politicized situation.

As a final reaction to the Bill, let me simply add my voice to countless others regarding the F.Y. 1978 authorization of $75,000,000. What can Congress hope to accomplish by establishing such a ceiling? Translated into state dimensions, the F.Y. 1977 allocation to Ohio, the sixth largest State containing 5% of the nation's population, amounted to less than $2,500,000. That amount could have been spent in any one of Ohio's six most populous cities without making an appreciable dent in the demand for services within those communities. Instead of trying to ascertain what minimum level of appropriation will whet state and local appetites, it seems to me that a far more equitable measure would be an appraisal of the Act's fiscal impact upon political subdivisions and an appropriate means of determining federal financial responsibility.

If I may be permitted, Mr. Chairman, I would like to raise two issues which are not addressed in H.R. 6111 and which, in my opinion, should be considered by Congress at this time. I refer, first, to the intended relationship between block grants to the States and discretionary funds to be categorically allocated by LEAA and, second, to the absence from the Act of certain critical definitions.

The Act clearly contemplates a block grant program, similar to that administered under the Omnibus Crime Control Act. Title II, Part B, Subpart I, addresses the manner in which formula grants may be granted to States for the purpose of complying with the Act. But, at the same time, the Act created an affirmative duty, on the part of LEAA/OJJPA, to accomplish a parallel set of objectives found in

Parts A, B and C of Title II. These latter duties not only conflict with LEAA's grants management role, within the context of the block grant program, but also appear to reduce the attention OJJPA has given to financially and technically assisting the States. For example, in fiscal year 1977, LEAA allocated roughly $47,000,000 to States under the formula grants; it also spent about $47,000,000 in special emphasis programs, notably deinstitutionalization, delinquency prevention and diversion. More significant, perhaps, is the fairly even distribution of manpower, within LEAA, of persons assigned to administer the block grant program under Part B, Subpart I, and those assigned to carry out the Congressional mandates in Subpart II. The result is that States are not receiving realistic levels of financial or technical assistance to ensure the modifications envisioned by Congress while, at the same time, the special emphasis projects are being funded in those States outside of the planning structure set up for the formula grants. The results could have been predicted and should have been foreseen.

Let me hasten to add, Mr. Chairman, that my criticism is not leveled at LEAA's stewardship. Given the legislation, coupled with the past three appropriations, no other situation was likely. In one Act, Congress created one block grant program and two categorical grant programs (one in Title II and one in Title III). Since LEAA would probably be held more severely accountable by the Congress for the special emphasis programs than for the block grant programs, the preoccupation is appropriate and bureaucratically justified. This is particularly true, given the LEAA regional office structure, already in place and charged with the responsibility of managing the Crime Control Act block grant program. But the fact is that these two Acts are exquisitely different, requiring dramatically different policy determinations and organizational behavior. While they can both be managed within the same agency, they cannot and should not be viewed as symbiotic, federal initiatives.

The current deficiencies which were caused, in my opinion, by the variegated objectives established by Congress, could be greatly alleviated by adequate funding for the juvenile program. But, in the long, run, the issue is more basic than that: Congress should decide whether it believes that more fundamental social benefits will accrue to children through financial incentives to units of general purpose government, characterized by the block-grant approach, or whether it believes they can be best achieved through highly-focused, special-emphasis, categorical grants. If Congress could articulate this policy issue through the amendments, OJJPA could more effectively harnass its meager resources to satisfy that facet of Congressional intent that is considered most critical.

My final testimony relates to the other major omission in H.R. 6111, which would perpetuate a current deficiency in the Act. Both of the Council of State Governments' publications, referenced earlier, resulted directly from the absence of fundamental, statutory definitions without which the Act cannot be effectively or faithfully administered. Instead of reiterating the problem in this testimony, I have asked the Council to forward to you ten copies of each publication under separate cover. Since the Juvenile Facilities publication will not be fully printed for another two weeks, I ask your indulgence in reviewing xeroxed copies of that manuscript without the benefit of its appendices and tables. As a reference, however, I will indicate the most noticeable and regrettable omissions from Section 103 of the

Act:

1. status offense; status offender
2. delinquency; delinquent
3. juvenile detention facility
4. juvenile correctional facility
5. shelter facility
6. juvenile, adult

For a discussion of the implications of these definitional problems, I respectfully direct your attention to the final chapter of the Juvenile Facilities publication.

Mr. Chairman, this concludes my testimony and I appreciate the opportunity you have afforded me.

APR 29 1977

STATE OF MINNESOTA
Governor's Commission on Crime Prevention & Control
6th Floor, 444 Lafayette Road
ST. PAUL 55101

April 22, 1977

Mr. William F. Causey, Counsel
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Causey:

Thank you for the opportunity to respond to your request for comments on H.R. 6111, a bill to extend and amend the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). I am sorry my comments are delayed but my appointment became effective April 18th and your request just came to my attention.

Minnesota has been supportive of the Juvenile Justice Act and our agency is generally supportive of the recommended changes.

If we can provide additional information for this subcommittee, please contact our agency.

Sincerely,

Jacqueline O'Donoghue

JACQUELINE O'DONOGHUE
Executive Director

JO/AJ/mbc

[illegible] 2 1977

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lucas county
criminal justice
regional planning
unit

316 n. michigan street suite 800 toledo, ohio 43624

April 29, 1977

William F. Causey, Counsel
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Causey:

The purpose of this letter is to respond to your request to provide comments concerning H.R. 6111. I am sorry for the delay in responding but I only recently received your correspondence. Due to the time constraints I will only make a few comments. If more time becomes available I would be glad to provide an in-depth analysis.

First, if crime can be impacted it will be through working with our young people. We must be able to prevent juveniles from becoming "first offenders". It was not until the Juvenile Justice and Delinquency Prevention Act of 1974 that such resources became available with the necessary program flexibility.

Secondly, I believe we have learned that pumping large amounts of money into a problem without proper prior planning only complicates the situation and wastes precious resources. The planning capability must be strengthened at both the state and local level with adequate support for research and development efforts.

Research is an integral part of planning and program development. It must become a part of our decision making process at all levels of government. It cannot remain an ancillary function that is performed to generate data which does not impact programmatic decision. Research must be supported as part of the planning process as close to the problem being resolved as possible.

Thirdly, we can not afford to further fragment our planning efforts. The problems of delinquency in this country have a direct bearing on the problems of crime. Every effort should be made to assure that cooperation and coordination are a by-product of the legislation that you are developing. Criminal Justice Coordinating Councils, State Planning Agencies, and Regional Planning Units have made tremendous gains in these areas since 1968. Much remains to be done and I hope that your legislative efforts will serve to assist and improve existing efforts in these areas.

Finally, I strongly urge you to encourage the sub-committee to consider eliminating "mickey mouse" funding constraints such as matching funds, in-kind, etc. We spend too much time on artificial pursuits to satisfy funding requirements which do not have anything to do with reducing delinquency, crime, or assuring local support for programs in the future.

More resources are needed from federal, state and local government along with an incraased commitment. I do not believe local government can afford to make long range commitments when the federal government does not. Long range planning at the local level requires a funding commitment for specified dollar amounts for at least five years. In otherwords we have to know what the rules are and what's available. We can not plan effectively when the legislation is changed regularly and we do not know how much money will be available.

If you have any questions, please contact me.

Sincerely,

Gary K. Pence
Executive Director

GKP:rs

APR 28 1977

YAC CITY OF BOSTON/YOUTH ACTIVITIES COMMISSION/73 Hemenway Street/(617)266-7600

KEVIN H. WHITE, *Mayor*

DONALD B. MANSON, *Executive Director*

April 22,1977

Mr. William Causey
Counsel
Sub-Committee on Economic Opportunity
Room 320, Cannon Office Building
Washington, D.C.

Dear Mr. Causey:

First,let me thank you for your letter dated April 11,1977 regarding the J.J.D.P.A. legislation pending before the Sub-Committee. I have followed this Act closely and have a particular interest in it because of its important impact on the juvenile justice system.

After reading the proposed changes, I have to take issue strongly with the proscription of in-kind matching funds for municipal governments. Recognizing the economic climate of the Northeast and in particular, the financial crisis facing cities like New York and Boston, I find the exclusion of an in-kind matching option as a general rule to be insensitive, and places an undue burden on a city like Boston. Not only is is a difficult financial obstacle, but introduces a cause for friction with the State Planning Agency with respect to determination as to a waiver of the cash-match requirement.

I suggest that some consideration be given to drawing up guidelines that removes arbitrary determinations by the SPA's with respect to allowing a waiver. Particularly important would be such things as local tax rates, bonding determinations, etc. Only introducing national guidelines for waiver determinations can we expect equal and fair treatment.

Sincerely yours,

Donald B. Manson
Executive Director

DBM/ifw

APR 19 1977

JAY S. HAMMOND
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

April 12, 1977

The Honorable Ike Andrews
Room 228
Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Andrews:

Alaska is completing its second year of participation under the Juvenile Justice and Delinquency Prevention Act of 1974. As you may be aware, Sections 223 (12) and (13) of that Act require that participating states ensure that status offenders be deinstitutionalized and juveniles are not held with adults in detention facilities within a two year time-frame.

It has become clear that Alaska cannot respond to these mandates in all areas of the State within the limited time. Alaska's climate, geography, and population significantly impact its ability to implement and comply with this Act. Alaska's total population is 404,000, equal to that of El Paso, Texas. In terms of people, Alaska is a small town, but in terms of area it is vast. Alaska is 1/5 the size of the continental United States stretching across four time zones and larger than the combined areas of Texas, California, and Montana. Alaska sprawls over 586,400 square miles, and two-thirds of it is under ice all of the year.

There are more than two hundred native villages in Alaska, some of them with a population of less than twenty-five. Many of these villages are as much as 500 miles from the nearest service center and most of those centers, like Barrow, Bethel, Nome, and Kodiak, are between 50 and 450 miles from major areas like Fairbanks, Anchorage, and Juneau.

There are only 7,270 miles of highways in Alaska, and 2,157 of them are paved. All Southeastern Alaska communities are accessible only by boat or air, and air travel is the only connection between bush villages and the populated areas. Telephone communication is nonexistent in many villages.

Environment factors which affect the development of human services in Alaska have been compounded with growth and change in the State in recent years. Urban areas have had to grow rapidly to meet the sophisticated demands of development, and many indigenous people are struggling with the transition between village life and urban ways. Consequently, Alaska has the highest rate of residential alcoholism in the country, the highest child abuse rate, one of the highest suicide rates, and a divorce rate that is 57% higher than the national average. Juveniles between the ages of 10 and 18, who represent 12% of the State's total population, account for 53% of Alaska's Part I criminal offenses.

In many areas of the State, shelter alternatives for status offenders who cannot be returned to their homes are presently nonexistent; and, where they do exist, they are not geared to handling children who may be out of control from alcohol abuse. Providing one of these shelter facilities in Alaska easily equals Alaska's yearly allotment of Juvenile Justice and Delinquency Prevention Act funds.

The Division of Corrections estimates it will cost at least $100,000 to modify one state facility for the separation of juveniles and adults. At least five other facilities are in need of this kind of modification, and there are any number of small facilities under local jurisdiction in remote areas that are out of compliance.

In order for Alaska to continue to participate in the juvenile justice program, amendments to this Act during its re-authorization must:

1) Permit states to proceed with the implementation of the Act's major objectives at a pace that is appropriate for each state and;

2) Permit states to expend allocated funds to effect implementation of Sections 223 (12) and (13) on the basis of local needs rather than federal requirements.

The need to provide services to youth and equitable juvenile justice throughout Alaska is critical. I urge your assistance in making this Act viable for juveniles in all states, those that do not have the financial capabilities for immediate compliance as well as those that do. Historically Alaska's statutes have supported the philosophy and intent of the Juvenile Justice Delinquency and Prevention Act, and it is my hope that the Act will be amended to permit our continued participation.

Sincerely,

Jay S. Hammond
Governor

April 14, 1977

The Honorable Ike F. Andrews
The United States House of Representatives
228 Cannon House Office Building
Washington, D.C. 20510

Dear Mr. Andrews:

The need to provide equitable juvenile justice services to Alaskan children continues to be critical.

After two years of participation under the Juvenile Justice and Delinquency Prevention Act of 1974, Alaska cannot fully meet the requirements of Sections 223 (12) and (13). Although Alaska statutes, case law, and court rules have been in agreement with the Juvenile Justice and Delinquency Prevention Act for as long as twenty years, the fiscal and financial realities of delivering juvenile justice services on an equitable basis in all of Alaska, preclude our state from meeting the mandated time frames of the Act.

Current Alaska Division of Corrections' estimates for modification of one state facility for the separation of juvenile and adult offenders is $100,000.00. At this point, five additional facilities need similar modification. Due to the limited funds received by Alaska for planning and implementation under the Act, no accurate data exists on the needs and costs of the many small facilities under local jurisdiction in the remote areas of the state. In fact, it is still difficult to ascertain when these facilities simply serve as the only available building where any child can be housed for safety sake as opposed to the instances where a child has actually entered the justice system. We can, however, project that most local facilities will require major modification. Additionally, shelter alternatives for Alaska's juveniles do not exist. To provide one such facility at current building costs, will easily consume the yearly Alaskan allotment of Juvenile Justice and Delinquency Prevention Act funds.

The current juvenile justice emphasis in Alaska has been on prevention. It is an approach which I believe is most cost effective as well as philosophically sound.

Because the Juvenile Justice and Delinquency Prevention Act has afforded better planning and focus on juvenile problems in Alaska, I would like to see continued Alaskan participation. To do so, the state will require that modifications be made to the Act during its reauthorization. One of the following amendments would permit Alaska's continued participation:

1. Permit states with vast rural areas to participate under a substantial compliance requirement, for example a compliance of ninety percent; or,

2. Permit the Assistant Administrator of LEAA to grant exemptions to the current requirements of one-hundred percent compliance under specific criteria to be established by Congress; or,

3. Exclude from consideration, when viewing compliance, communities which have a population of less than 1,000 people and which are unconnected by roadways; or,

4. Extend the mandated time-frames for compliance and increase the federal financial support for states where unique climatic and cultural conditions severely hamper implementation under traditional federal revenue formulas.

It is my belief that Alaska can be in eighty to ninety percent compliance, in its five major urban areas, within a short period of time. Similarly, it is reasonable to estimate that remote villages, just this year receiving telephone service, will need at least six years and a significant amount of increased planning and implementation funds in order to be in compliance.

I assure you that Alaska wishes to continue its history of equitable and progressive juvenile justice planning and services. Our continued participation in the Act will, however, depend on the state's financial ability to do so within more flexible time frames. We request that federal allocations and time frames under the Act be made more flexible for those states, like Alaska, who are endeavoring to comply.

Respectfully,

Gail H. Rowland

Gail H. Rowland
Chairman
Governor's Advisory Board
on Juvenile Justice
Member
Governor's Commission on
the Administration of Justice

2300 Lord Baranof Drive
Anchorage, Alaska 99503

Enclosure: 1
GHR:bb

INTRODUCTION

If you live in Barrow and are unemployed, and your roof leaks and it is thirty degrees below zero, and your child is in Anchorage to get an education, and crime is said to be 100% alcohol related, and the major source of revenue in Barrow is from alcohol, and there are nine year old alcoholics, and there are no playgrounds, and it is dark all winter, and a judge in Fairbanks closes your jail because it is unsafe: it is not too difficult to identify the problems, but it is very difficult to identify solutions.

If you live in Ketchikan and it rains more than 100 inches a year, and it is isolated on a long island, and most jobs are dependent on trees and fishing and world markets, if the juvenile officer position was defunded and a status symbol for a kid is to get into enough trouble to get sent out, and people from the upper part of the State keep flying in and telling you how to solve your problems: it is not too difficult to identify the problems, but it is not always easy to come up with solutions.

If you live in Anchorage and it is growing like crazy and there are more than 20,000 new cars on the streets in one year and jobs on the Slope pay a fortune and the average income exceeds $19,000, and both Mom and Dad work to pay the rent, and school gets out at 2:00 p.m. and there is no place to go and no way to get there if there were: it is fairly easy to identify the problems and to think of a few solutions.

If you are at the Crime Prevention Task Force meeting and you are a planner, you say the problems are sudden economic growth and development, transient people unemployment, and cost of housing. If you are at the Task Force meeting and you are an employee of the justice or social service system, you talk about lack of funds for programs, insufficient data to identify the problem, and no alternative services. If you are a police officer at the meeting, you talk about lack of specialized training, lack of recreational facilities, and lack of community involvement. If you are at the meeting and you are at the meeting and you are a volunteer citizen, you talk about housing, schools, playgrounds, and jobs.

The rural people with their sparce and low density population, their marginal economies, and their homogeneous cultures, live with the symptoms of crime daily; they live so close to basic survival that solutions within their communities have almost ceased to be identifiable

The urban people with their rapid growth and high density population with their boom-or-bust economies, with their increasingly heterogeneous cultures, latch on to one or two visible solutions and believe that all their problems will go away.

The urban solutions are: "We need planning and viable alternatives." The rural reply is: "Planning by whom and alternatives to what?"

[From: The Juvenile Justice Community Crime Prevention Standards and Goals Task Force Report, 1976]

Alaska Youth Advocates, Incorporated

SUSAN C. GORDON
EXECUTIVE DIRECTOR

528 I STREET
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 274-6541

MAY 2 1977

April 15, 1977

The Honorable Ike F. Andrews
The United States House of Representatives
228 Cannon House Office Building
Washington, DC 20510

Dear Mr. Andrews:

Alaska Youth Advocates, Inc. wishes to express its concerns about the recently introduced Juvenile Justice Amendments Act of 1977, S. 1021, and to urge your assistance in making this Act responsive to juvenile justice needs in Alaska.

Alaska is now completing its second year of participation in the Juvenile Justice and Delinquency Prevention Act of 1974. The State of Alaska has historically and repeatedly made strong commitments to the ideals expressed in the Act. However, despite good faith efforts and because of situations particular to Alaska, our state's ability to continue participation under the reauthorization act of 1977 is doubtful. Specifically, the mandates set forth in Section 223 (12) and (13), requiring 100% compliance with the deinstitutionalization of status offenders and the complete separation of juvenile and adult offenders in detention facilities, appear impossible for Alaska to meet under the proposed three-year time frame.

Alaska is an incredibly complex state, presenting problems reflective of those nationwide, as well as some unique to Alaska. Environmental, cultural, and sociological factors critically hamper Alaska's development and delivery of human and judicial services. It is these same factors which preclude Alaska from developing, within a three-year time period, the range of shelter and detention alternatives required to assure compliance with the Act.

BOARD OF DIRECTORS JOE ACTON • JOHN HAVELOCK • RAE ANN HICKLING • WILLIAM H. JACOBS • CECILIA KLEINKAUF • JACK KLEINKAUF • ANDY LINN • JEAN MATHIS

MEMBER OF THE UNITED WAY OF ANCHORAGE • MEMBER OF THE ANCHORAGE YOUTH ALTERNATIVE SERVICE NETWORK

Vast land areas and harsh climatic conditions serve to limit conventional transportation and communication services to the urban areas of Anchorage and Fairbanks. Other than the two surface roads connecting these cities, there are no other major roadways in Alaska. The rest of the state is virtually dependent upon air travel. The smaller communities are accessible only by small aircraft, weather permitting, when the gravel landing strips are either completely frozen or dry. Until this year, communication services to the majority of smaller communities and villages was limited to bush radio communication.

There are nearly 200 native villages in Alaska. Seventy percent of the state's 55,000 Eskimos, Indians, and Aleuts reside in these villages. Some of these villages are 500 miles from the nearest service center. Even the service areas are remote by "lower 48" standards. Nome, the northwest regional center, is a population area of about 3500 people. To travel from our state capitol to Nome requires a three-hour jet airplane ride, with a change of airplanes in Anchorage.

Juvenile justice needs and problems are as complex as Alaska's geographic and demographic conditions. The great need which Alaska has to continue participation in the Act is evidenced by the severity of its juvenile justice problems. Alaska has the highest rate of child abuse, the highest rate of residential alcoholism, and one of the highest rates of suicide in the country. Incidences of running away, juvenile delinquency, and divorce are out of control. Alaska's response to its needs and problems, in specific reference to the Act's mandates, varies considerably from the village to the service center to the urban area.

For example, many Alaskan villages, with populations as small as 25 people, have no local law enforcement or social service personnel. The village is dependent upon the nearest service center for judicial and social services. It may take a day or a week for the traveling social worker or state trooper to reach the village. If a young person is out of control because of alcohol, or is in physical danger because of abuse or neglect, or is a danger to the community, the village's only available response is to detain the young person in whatever facility exists until he may be sent to the nearest service center. This facility may be a relative's home or it may be a one room shack designated as the jail. It is difficult to even document what occurs in some of the more remote areas of Alaska. We do know, however, that these situations affect a very few juveniles.

The service centers, population areas ranging from 1,000 to 5,000 people, offer the next level of services. But, shelter and detention alternatives are presently nonexistent in most of these centers. Providing one small shelter facility in a rural area of Alaska would easily equal Alaska's yearly allotment of Juvenile Justice and Delinquency Prevention Act monies, which is $200,000. Status offenders and delinquents who cannot be returned to their homes most often are sent to one of the facilities in Anchorage.

The urban areas of Anchorage, Fairbanks, Juneau, and Ketchikan offer the highest level of services. The level of services varies even among these areas, with Anchorage being at the most sophisticated end of the scale. In Anchorage, separate juvenile/adult facilities exist, and shelter and group home alternatives begin to meet Alaska's need for these facilities.

These harsh realities are essential factors which our state must consider when preparing to assure 100% compliance with Section 223 (12) and (13). Alaska can presently assert that it is in substantial compliance with these mandates. Furthermore, we can and are prepared to assure that within the three-year time frame, our urban areas will be in full compliance and our rural service centers will be in substantial compliance. But, regardless of philosophical commitment and without considering cost and benefit effectiveness factors, most rural Alaskan villages will be unable to comply with the Act's requirements.

Alaska's continued participation in the Act therefore becomes contingent upon Congress further amending the Act so as to permit the continued participation of states that do not have financial or other capabilities for immediate and total compliance. One of the following amendments to the Act would accomplish this needed modification.

1. Amend the Act to permit states with vast rural areas to participate under a substantial compliance requirement, for example a compliance of 90 percent; or,

2. Amend the Act to permit the Assistant Administrator of LEAA to grant exemptions to the current requirements of 100 percent compliance, under specific criteria to be established by Congress; or,

3. Amend the Act to exclude from consideration, when viewing compliance, communities which have a population of less than 1,000 people and which are unconnected by roadways; or,

4. Amend the Act to extend the mandated time frames for compliance and increase the federal financial support for states where unique climatic and cultural conditions severely hamper implementation under traditional revenue sharing formulas.

On behalf of the Board of Directors and the Staff of Alaska Youth Advocates, Inc., I urge you, Mr. Andrews, to encourage and support an appropriate amendment which will make this Act a viable one for our state.

Sincerely,

Susan C. Gordon
Executive Director

SCG:bb

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MAY 3 1977

►

HONORABLE IKE ANDREWS
EDUCATION AND LABOR COMMITTEE
US HOUSE OF REPRESENTATIVES
WASHINGTON DC 20515

STRONGLY OPPOSED TO PROVISION CONTAINED IN HR6111 AS REPORTED BY SUBCOMMITTEE ELIMINATING ANY MINIMUM AMOUNT OF FUND FOR SPECIAL EMPHASIS PROGRAM TO BE ADMINISTERED BY OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION. HOPE YOU WILL RESTORE CURRENT LAW WHICH MANDATES MINIMUM OF 25 PERCENT OF JJDP FUND FOR SPECIAL EMPHASIS PROGRAM

PETER R EDELMAN, DIRECTOR
NEW YORK STATE DIVISION FOR YOUTH

15:55 EST

MGMCOMP MGM

MAY 2 1977

SOUTH DAKOTA
Department of Social Services
DIVISION OF HUMAN DEVELOPMENT

State Office
State Office Building
Illinois Street
Pierre, South Dakota 57501
605-224-3115

April 26, 1977

Representative Ike Andrews
U.S. House of Representatives
Washington, D.C. 20515

RE: Juvenile Justice Amendments Act of 1977

Dear Representative Andrews:

The South Dakota Runaway Youth Services Program was funded in FY77 to provide those services required under Title III of the Juvenile Justice and Delinquency Prevention Act of 1974. Four private non-profit youth serving agencies with residential components are providing services to runaways outside of the juvenile justice system in Sioux Falls, Huron, Mitchell and Rapid City under an advance payment agreement with our office. The Juvenile Justice Act of 1977 would prohibit a state agency, such as ours, from participating in funding under the Runaway Youth Act. We oppose this change for the following reasons:

(1) It is not economically feasible for a single non-profit agency to write a grant for runaway services;
(2) No single private non-profit youth serving agency with existing residential capacity has the volume of runaways necessary to justify a program;
(3) A coalition of private non-profit agencies with existing residential capacity does not exist and hence the administrative capacity to write the grant and administer a multi-site program is not available;
(4) The Office on Children and Youth was not compensated for administrative services and hence administrative costs were non-existent and the entire grant went for services.

If the Juvenile Justice and Delinquency Prevention Act excludes all state agencies from receiving funds the necessary leadership

Page 2
April 26, 1977

in South Dakota to provide services through a coalition or network will be absent.

The Office of Youth Development, at the regional and national level, felt our approach was an innovative way for a small and very rural state to handle its runaway problem. *If the Runaway Youth Act is amended to prohit a state agency from participating then runaway services in South Dakota will be non-existent.* We hope that the proposed amendment to Section 313 will be reconsidered or at the very least amended to allow rural states to participate when no existing coalition or network is in existence. South Dakota's current program is innovative and it is the most reasonable and cost effective method available.

In the best interests of children and youth. . .

Sincerely,

Guy Mikkelsen
Director, Division of Human Development

GM:mm
cc: Governor Richard Kneip
Dr. Orval Westby, Secretary, Department of Social Services
Jeanne Weaver, OYD-HEW
Al Martinez, Region VIII, OYD-HEW

North Carolina Department of Crime Control
and Public Safety

State Highway Patrol
Alcoholic Law Enforcement
Crime Control Division
National Guard
Civil Preparedness
Civil Air Patrol

JAMES B. HUNT, JR., GOVERNOR
J. PHIL CARLTON, SECRETARY
GORDON SMITH, III, DIRECTOR
CRIME CONTROL DIVISION

MAY 9 1977

April 29, 1977

The Honorable Ike Andrews
House of Representatives
Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Andrews:

On behalf of Governor Hunt, I want to thank you for the opportunity you gave the staff of the Governor's Crime Commission to express some of North Carolina's concerns regarding the reauthorization of the Juvenile Justice and Delinquency Prevention Act. As you know, North Carolina is committed to the general goals of the JJDP Act and hopes that the reauthorized Act will permit the flexibility that would allow us to participate in the program.

I would like to note again three areas that cause us greatest concern and restate some alternate wording for the legislation which we discussed with your staff earlier:

1. The requirement for the deinstitutionalization of status offenders as presently stated and as proposed by both Senator Bayh and the Administration cannot be met by North Carolina. It is not possible to state, in good faith, that we can meet that mandate with the given time frame and with the limited resources that would be available for that purpose. Further, we feel that 100% deinstitutionalization may not be possible for many years. In some few cases, which should be determined by explicit guidelines, a judge of the juvenile court may feel that services that can be provided in a secure setting may best meet a particular child's needs. We suggest rewording Sec. 223(a) (12) to read:

P. O. BOX 27687, RALEIGH, N. C. 27611 919/733-7974

> provide within five years after submission of the first plan that each state statistically show at least a 75% reduction in the number of juveniles charged with or adjudicated for offenses that would not be criminal if committed by an adult and placed in detention or correctional facilities.

2. We propose a change in Sec. 223(a) (5) which now requires that the State make available 66 2/3% of its JJDP Act funds to local government. North Carolina totally supports the concept of providing funds to local governments for juvenile programs; however, we recommend that the JJDP Act provide the flexibility to allow as much as 100% of each state's JJDP Act allocation to be granted to a state agency for the purpose of creating or supplementing a state subsidy program to counties to provide community-based services to youth. Under this proposal, the following wording would be inserted after the word "basis":

> or if the state utilizes its funds for a state subsidy program to counties to provide such services.

3. Our final recommendation relates to Sec. 223(a) (3) which provides for an advisory group. The North Carolina General Assembly has recently created statutorily the Juvenile Justice Planning Committee, which is to be an adjunct committee of the Governor's Crime Commission. This committee is mandated to plan comprehensively for the juvenile justice system in our State. The composition of that committee is designed to be broadly representative of experience and expertise in juvenile justice and is believed to be the most effective mechanism for juvenile justice planning in North Carolina. The composition, incidentally, does not coincide with that required by the Act for the juvenile justice advisory group, and, therefore, the participation of North Carolina in this program would necessitate another committee, a step that would only serve to fragment our efforts.

I understand that one proposed amendment would require policy-setting authority for those boards and allow the boards to award grants and contracts, though in our State, at least, a committee of a different composition but similar purpose has already been established. We agree that a juvenile justice advisory group is essential but feel that its composition and role must be determined by each state, dependent upon its own needs. We suggest, then, that items (A) through (E) be deleted from this section and particularly emphasize the need to omit items (A), (D), and (E).

We appreciate your interest in learning our concerns and are grateful for your efforts on behalf of the young people of our State. If there is any way in which we may assist you as you progress toward reauthorization of the JJDP Act, please let us know.

Sincerely,

Phil Carlton

J. Phil Carlton
Secretary

Juvenile Rights Project
American Civil Liberties Union Foundation

Rene K. Uviller
ACLU 22 East 40 Street
New York, New York 10016
(212) 725-1222

Stephen W. Bricker
ACLU 10 South 10 Street
Richmond, Virginia 23219
(804) 644-8022

April 26, 1977

Committee on Education and Labor
House of Representatives
United States Congress
Washington, D.C.

Re: H.R. 1137 and H.R. 6111

Gentlemen/Ladies:

On behalf of the Juvenile Rights Project of the American Civil Liberties Union, I am writing to oppose the two, above-mentioned bills. I will briefly outline the basis for my opposition separately below.

H.R. 1137: This bill would establish local and national conferences on learning disabilities and juvenile delinquency, along with the bureaucratic machinery thought necessary to bring these to fruition. While I feel that public efforts at providing educational and other services to the learning disabled are a worthy subject of Congressional attention, it is fundamentally unwise to group this attention with the subject of juvenile crime. Although not expressly set forth, it is apparent that the philosophy behind the bill regards learning disabilities among the Nation's youth as one of the root causes of juvenile delinquency. There is evidence indicating a high proportion of learning problems among the delinquent population. But like research which found high marijuana use among heroin addicts, the early research data on learning disabilities and juvenile crime indicate nothing approaching a cause and effect relation. Despite this weak evidentiary correlation, wide publicity associating these two phenomena would follow from the bill's enactment. From a civil liberties perspective, this would represent an unfair labelling of LD children as delinquent or pre-delinquent.

The delivery of equitable and effective educational services to handicapped children is a subject of deep concern to the Juvenile Rights Project. See Kruse v. Campbell, C.A. No. 75-0622-R (E.D. Va.), Opinion and Order of March 23, 1977, handled by the authr. [redacted] The enactment of P.L. 94-142, The Education of All Handicapped Children Act, evidences that the Congress also shares this concern. But the proper and fair delivery of public services to LD children does not require that their interests be comprised by adding the burden of criminal labels to their already difficult future. The money which would be spent as result of H.R. 1137 would be more effectively used if it simply went into service delivery systems for the learning disabled, such as that required by P.L. 94-142.

Edward J. Ennis, President • Aryeh Neier, Executive Vice President • Samuel Hendel, Rolland O'Hare, Harriet Pilpel, Barbara Preiskel, Marvin Schachter, Vice Presidents • Winthrop Wadleigh, Treasurer • Norman Dorsen, Osmond K. Fraenkel, Ruth Bader Ginzburg, General Counsel • Melvin L. Wulf, Legal Director • Vincent McGee, National Program Director

Contributions to the American Civil Liberties Union Foundation are deductible for income-tax purposes

H.R. 6111: The ACLU opposes this bill because it weakens the federal commitment to decriminalizing the treatment of juvenile status offenders. Amending the Juvenile Justice and Delinquency Prevention Act of 1974, the bill would replace the present state obligation to withdraw status offenders from penal facilities within two years with only a vague requirement that such be done "within a reasonable time". Section 3 (c) (8). As set forth in the enclosed statement to the Senate Subcommittee to Investigate Juvenile Delinquency, it is both grossly unfair and counter-productive to allow non-criminal children to be locked up in penal facilities. If anything, the federal commitment to this principal should be strengthened, not weakened.

If I can be of any further assistance to the Committee on these or other matters, please let me know.

Very truly yours,

Stephen W. Bricker

Stephen W. Bricker
Attorney-at-law

SWB:ja

APR 26 1977

APR 2 1977

4730 Rivoli Drive
Macon, Georgia 31204
April 21, 1977

The Honorable Ike Andrews, Representative
Chairman, House Subcommittee on Economic Opportunity
United States House of Representatives
Room 300 Cannon House Office Building
Washington, D.C. 20510

Dear Representative Andrews:

As a member of Georgia's Juvenile Advisory Committee to the State Crime Commission, I am quite concerned about the appropriations for LEAA which are under consideration. I would urge full and adequate appropriations for the LEAA program so that the State programs aimed at more community based alternatives for troubled youth and deinstitutionalization of status offerners can continue or be expanded. We feel that in Georgia we are making some headway in this effort and would be quite discouraged to find our funding decreased.

Also, and for the same reasons, I would urge reauthorization of the JJDP Act for another three year term.

Thank you for your time and consideration on this matter.

Sincerely,

Patricia W. Bass

Patricia W. Bass
(Mrs. Thomas L.)

HUCKLEBERRY HOUSE
24-HOUR CRISIS COUNSELING FOR YOUTH
PHONE (614) 294-[illegible]
LOCATED ON 8TH AVENUE
½ BLOCK EAST OF SUMMIT STREET

May 4, 1977 MAY 9 1977

Mr. Ike Andrews
Chairperson, Subcommittee on Economic Opportunity
U.S. House of Representatives
Washington, D.C.

Dear Representative Andrews:

Enclosed please find copies of letters written by young people who are currently staying at Huckleberry House, a Runaway Youth Act funded shelter.

We recently had a discussion in the house about the Runaway Youth Act and the pending renewal of the Act. These young people wanted to make you aware of their concerns and interest in the continuation of the Act.

Thank you for your interest and consideration.

Sincerely,

Kay Satterthwaite

Kay Satterthwaite,
Program Coordinator

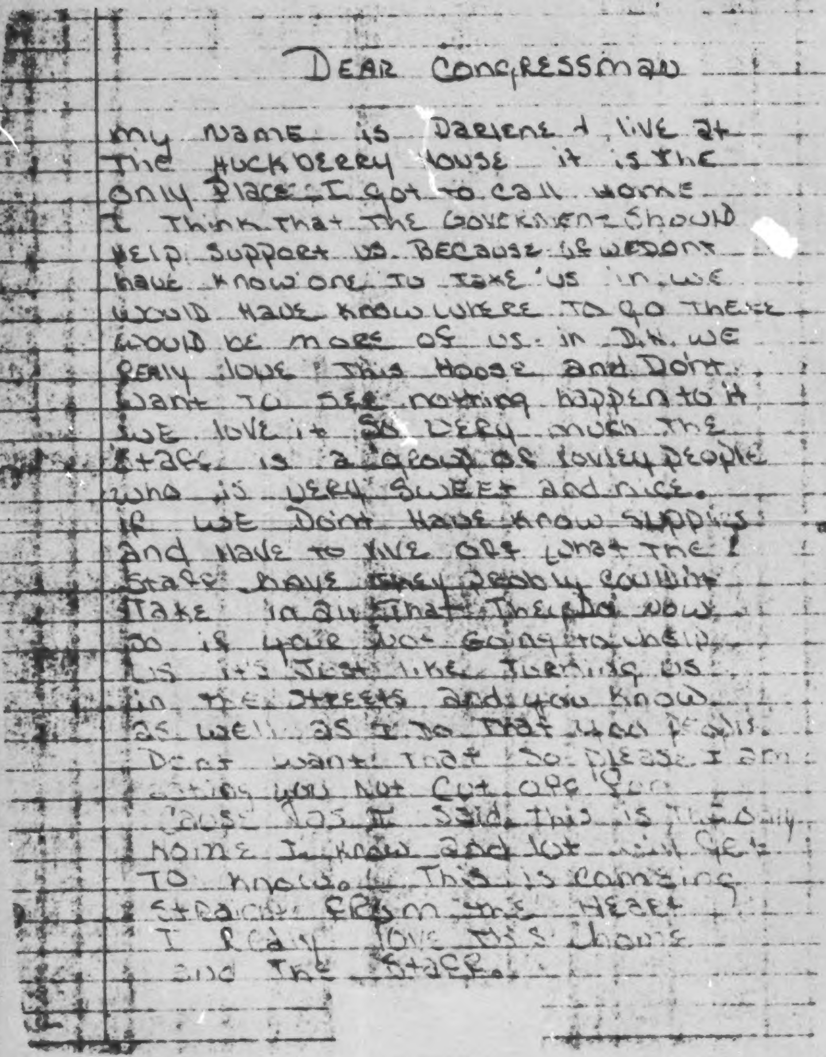
KLS/mm
encl:

MAILING ADDRESS: 1421 HAMLET STREET, COLUMBUS, OHIO 43201
DONATIONS ARE TAX DEDUCTIBLE
mhr

Dear Congressmen:

I am very concerned about the funds for the Huckleberry house. I am a runaway and I know that if it were not for the Huck house I would be out walkin the streets and I would sleep were ever I layed down, When you have kids roamin the streets that means trouble a place to go like the Huck house keeps us out of trouble, I would just like to see the funds keep comming to Huck house. I think you were in my place you would feel the same way. I don't have anything else to say but think I wish you would think about this seriously.

Concerned
Jamie



DEAR CONGRESSMAN

my name is Darlene I live at
The Huckberry house it is the
only place I got to call home
I Think that The Government should
help support us Because if we don't
have know one to take us in we
would have know where to go there
would be more of us in D.C. We
really love This House and Don't
want to see nothing happen to it
we love it so very much The
staff is a group of lovely people
who is very sweet and nice.
if we Don't Have know supplies
and have to live off what the
staff have they probably couldn't
take in all that they do now
so if your not going to help
us it's just like turning us
in the streets and you know
as well as I do that you really
Don't want that So please I am
asking you not cut off fun
'cause as I said this is the only
home I know and lot will get
To know. This is coming
straight from the heart
I really love this house
and the staff.

Dear Congressman,

My name is Jaccie i'm from the Huckleberry House. I'm really consern about money for the house to do things plus buy needs for the house. They help kids really get their problems worked out. When kids come here they don't bring the needs they need very much. If the House didn't have these thing the people would really have problems. I hope you will take this letter into consituation. It would mean more to kids that need help with [redacted] some of the problems. When i came here i was dirty and needed food i got food and showered thanks to the House. They need your money and help. Please give them your help.

Sincerly
Jaccie Lipsey

MAY 1 0 1977

the citizens' committee on youth

2147 Central Avenue
Cincinnati, Ohio 45214
(513) 381-3425, 381-3214

Luther W. Church
Executive Director

May 4, 1977

The Honorable Ike Andrews, Chairman
House Sub-Committee on Economic
Opportunity
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Andrews:

The Citizens' Committee on Youth is the official tax-supported agency designed to help deal with the problems of Cincinnati youth. As both service provider and "catalytic agent for coordination and communication," we see the great importance of the reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act. In addition, we see the Bayh Amendment (S.B. 1021) as adding great strength to the original Act; the Bayh Amendment encourages creative yet coordinated approaches to the complex problem of juvenile delinquency.

Therefore, we encourage you to support the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and we most heartily endorse the Bayh Amendment to this Act.

Yours truly,

George J. Penn

George J. Penn, Coordinator
Community Youth Service Bureau

GJP/le

~~cc: Representative Ronald M. Mottl~~
~~Representative John M. Ashbrook~~

Officers and Executive Committee
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Mr. Paul Anson, Vice President
Mr. Gus Bailey, Vice President
Mrs. Hope Flemer, Secretary
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Mr. Bret J. McGinnis
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Mrs. Bobbie Sterne
Dr. Donald Waldrip
Mr. Jerome Wild

APR 25 197

THE UNIVERSITY OF GEORGIA
SCHOOL OF SOCIAL WORK
ATHENS, GEORGIA 30602

April 21, 1977

Ike
The Honorable [redacted] Andrews, Representative
Chairman, House Subcommittee on Economic Opportunity
United States House of Representatives
Room 300 Cannon House Office Building
Washington, DC 20510

Dear Mr. Andrews:

I am deeply concerned about the possibility that there may be a reduction of funds for FY78 for the Law Enforcement Assistance Administration (LEAA) Program.

In Georgia, we have used these funds to effectively reduce the incidence of Juvenile Crime in some areas, and to set up diversionary programs for Status Offenders. Because we used the method of saturation funding (concentrating on the counties with the highest juvenile crime rate), we have just now begun to fund programs in smaller cities and in rural communities. The need for prevention programs is great, and we still have a way to go to provide alternatives so that no Status Offender is held in jail.

We are gradually moving in the direction of state and local funding for these programs, but for the next few years we need Federal help in introducing new programs into areas not yet covered.

Some of our funding is being used to train staff employees, and to set up appropriate evaluation procedures. Both of these programs are badly needed.

I urge you not to cut the LEAA funds for FY78 - and to encourage the reauthorization of the JJDP Act for three years. The children of Georgia will thank you.

Sincerely Yours,

Sophia Deutschberger, M.S.W.

Sophia Deutschberger
Member - Advisory Committee
on Juvenile Justice and
Delinquency Prevention

SD:bkj

APR 21 1977

APR 21 1977

OHIO COALITION
RUNAWAY YOUTH AND FAMILY CRISIS SERVICES

1421 HAMLET STREET, COLUMBUS, OHIO 43201 (614)-294-5553

OFFICERS
KAY SATTERTHWAITE, EXECUTIVE
TELEPHONE: (614)-294-5553

BOB MECUM, TREASURER
TELEPHONE: (513)-621-1522

April 20, 1977

Mr. Ike Andrews
Chairperson, Subcommittee on Economic Opportunity
U.S. House of Representatives
Washington, D.C.

Dear Representative Andrews:

The Ohio Coalition represents people involved with providing services to runaways and their families throughout the state of Ohio. We have reviewed the ammendment submitted by Senator Bayh re: Senate bill 1021, Title III, Runaway Youth Act, and have adopted the following position:

> "On behalf of the Ohio Coalition of Runaway Youth and Family Crisis Services and the youth and families served by its member agencies, we strongly support Senator Birch Bayh's Ammendments to the Runaway Youth Act (Title III of Senate Bill 1021). The ammendments of this bill reflect an increased sensitivity to the rights of young people and allow for more realistic funding levels."

We urge you to do what you can to implement these ammendments.

We would also like you to consider an additional ammendment that would clarify Runaway Service provisions in other social welfare legislation. We would like to clarify that the young people who receive service at runaway centers on a voluntary basis are considered to be in need and this need is documented by personnel authorized to "place children" for the purpose of federal reimbursement.

We would suggest language such as . . . "Young people who voluntarily seek and receive services from Runaway Centers as outlined in the Act shall be considered to be in need and this need is documented by personnel authorized to place children for reimbursement under other social welfare legislation.

"....AN OHIO NETWORK OF SERVICES DEDICATED TO THE BETTERMENT OF YOUTH AND FAMILY LIFE"

Nothing in the Act shall prohibit runaway centers from receiving reimbursement under other applicable social welfare legislation."

There has been some question as to whether runaways who seek and receive services are in "authorized placement", even though they are receiving 24 hour care. This would clarify the situation so that for other federal programs "authorized placement" would not be the determining factor for reimbursement.

Before Title III of the Juvenile Justice and Delinquency Act of 1974, most runaways were handled almost solely by traditional methods of incarcerating or "placing children" in custody through Child Welfare or court services. With the advent of the community alternatives for runaways, the concepts of emergency shelter as a voluntary "placement" augment this definition, but most Federal and State statutes still use "authorized placement" to mean longer term, non-crisis situations. Language to include voluntary service provisions as equivalent to laws (State and Federal) authorizing placement of children would go a long way to clarify this situation and make services provided by Runaway Centers eligible for reimbursement under other social welfare legislation.

If we can be of help to answer any questions on this issue or can supply information, please feel free to call me at 614-294-5553.

Thank you for your time and interest in our concerns.

Sincerely,

W. Douglas McCoard

W. Douglas McCoard,
Chairperson, Legislative Committee

WDM/mm

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D. C. 20004

POLLY SHACKLETON
Councilmember—Ward 3

April 20, 1977

Honorable Ike Andrews, Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
U.S. House of Representatives
Washington, D. C.

Dear Congressman Andrews:

Thank you for inviting me to submit a statement for the hearing record on bill HR 1137, which would call a national conference on learning disabilities and juvenile delinquency. My statement is enclosed.

Yours sincerely,

Polly Shackleton

Polly Shackleton
Chairperson
Committee on Human Resources
and Aging

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D. C. 20004

Statement of Councilmember Polly Shackleton (D-Ward 3)

submitted to the

Subcommittee on Economic Opportunity
Committee on Education and Labor
U.S. House of Representatives
for hearing on H.R. 1137, on
April 22, 1977

The District of Columbia City Council, where I chair the Committee on Human Resources and Aging, has oversight over the Department of Human Resources. That Department operates Children's Center, the facility which houses both detained and committed juveniles.

I am pleased to submit for the record a statement in support of bill H.R. 1137, which would call a national conference on learning disabilities and juvenile delinquency. The idea that disabling conditions could be a contributing factor in a youth's involvement in criminal behavior has not been adequately addressed by either the educational or judicial systems. It is obvious that simply putting youth behind bars does not meet their needs or those of society. We need to know more about the conditions of learning disabilities, their relationship to behavior, and how to better identify the youth so disabled both in the educational process and at the point where he enters the judicial system.

The definition of 'learning disabilities' as used in this bill, however, would exclude a significant percentage of the youth who enter the juvenile justice system. If left unamended, you will exclude, amongst others, mentally retarded and emotionally disturbed youth. P.L. 94-142, The Education for All Handicapped Children Act of 1975, included the mentally retarded and the emotionally disturbed persons in the general thrust of its concerns. P.L. 93-415, The Juvenile Justice and Delinquency Prevention Act of 1974, also specifically included mentally retarded and emotionally disturbed youth in the scope of its provisions.

The Juvenile Justice and Delinquency Prevention Act, which this bill would amend, was designed to improve the juvenile justice system and to help support efforts to divert, where appropriate, youth from the juvenile justice system. States are just now becoming aware that the court system is not systematically intercepting the mentally retarded or the emotionally disturbed youth who are brought up on charges. The net result of that inadequacy can be seen in the juvenile detention populations, where we are finding a significant number of such persons receiving little or no appropriate services.

From my own visits at the Children's Center, and from speaking with interested judges in the Superior Court, I can see we have a problem identifying emotionally disturbed and mentally retarded persons at the court stage. The obviously mentally retarded person will be found incompetent to stand trial. The moderately retarded person often slips through and is sentenced to a correctional program totally unsuited to his needs. I suspect that the District of Columbia's situation is representative of a problem to be found across the United States.

I am concerned that the national conference called under the proposed amendment to the Juvenile Justice and Delinquency Prevention Act will set the tone of federal involvement in juvenile justice programs for a considerable time. Given the fact that what is proposed is a *national* conference, I suggest that the definition of learning disabilities be broadened so that the disabling conditions which affect behavior, and potential susceptibility to involvement in criminal behavior because of the disability, be included.

We are entering a crucial stage in developing support for and attention to the types of problems faced by the mentally retarded and the emotionally disturbed youth. I believe that we will find that learning disabilities will overlap to a considerable extent with these two populations. I suggest that we include from the outset these two categories in the definition of learning disabilities for the purpose of the proposed conference. In this manner, we will be continuing the spirit and purpose of the public laws passed over the last few years.

Thank you for giving me the opportunity to submit these views for the record. I have attached proposed wording for the amendment suggested herein.

PROPOSED CHANGE TO PAGE 10, Bill HR 1137, line 3, et seq.

"(15) The term 'children with specific learning disabilities' has the meaning given it by sec. 602 (15) of the Education for All Handicapped Children Act, except that, in the administration of Part D of Title II of this Act, changes in such definition recommended by the Commissioner of Education under section (5) (b) (3) of the Education for All Handicapped Children Act, shall be taken into account, and that the term shall include mentally retarded and emotionally disturbed youth."

Re: Hearings on H.R. 1137, the National Conference on Learning
Disabilities and Juvenile Delinquency Act

STATEMENT BY THE HON. BRUCE VENTO (D. Minn)

The need for extensive study into learning disabilities and its link with juvenile delinquency has never been greater. This legislation takes a giant step forward by recognizing the necessity of researching both these problems from an interdependent view. The time has arrived when we must acknowledge the recent clinical evidence that there is a high probability of correlation.

In Minnesota we have been looking into this connection on a limited basis for the last few years. The Minnesota Department of Education has informed me that they have found it necessary to categorize these two problems together into a division called Special Learning and Behavior Problems (S.L.B.P.). Projections show that over 30,000 juveniles in Minnesota will be classified in this category by the end of this year. Approximately 4% of all children in our schools suffer from special learning disabilities.

I was personally shocked after reviewing statistics from Minnesota on the extent and severity of delinquency that takes place. In Minnesota, of all arrests that were made over the past two years, 41% were juveniles 10 to 17. Even more alarming is the fact that of arrests made for the most serious crimes (rape, murder, larceny, theft, etc.) over 60% were juveniles. Over 35,000 juveniles were arrested in Minnesota alone this past year.

In Saint Paul, Minnesota the public school system has for the past 10 years had what are called Behavioral Learning Centers (B.L.C.'s). These centers are based on the philosophy that it is better to invest the money now in correcting a learning disability than it is to spend the money on juvenile correctional facilities or prisons at a later time. This program started at the elementary level but has now been followed up with secondary level B.L.C.'s. Over 14 schools in Saint Paul have a B.L.C.. The need for programs to combat learning disabilities is obvious.

Recent guidelines published in the Federal Register give a new definition of learning disability. It states eight areas that can be evaluated to determine a learning disability: reading, spelling, math, oral expression, listening comprehension, written expression, reading comprehension and math reasoning.

The juvenile detention facility in Saint Paul, Minnesota did a study on just the first three criteria listed above to see how significant reading, spelling and math learning disabilities were in relation to delinquency. They found that 76% of the delinquents that they dealt with had disabilities in those three areas. The director of that study informed me that he believes that if we only attacked the problem of reading we would significantly lower juvenile delinquency.

As was pointed out by the Hon. Claude Pepper in the Congressional Record of January 11, 1977, "Informal statistics have shown that Oklahoma has a linkage of about 85 percent between youth crimes and disabilities, and the percentage in Minnesota is in the upper 80's. If these statistics are true we have certainly been doing a poor job of preventing delinquency. It is no longer adequate to say that a child did not do well in school and therefore became delinquent. Knowing why he did not do well, however, can prevent duplication of failure."

Obviously, not all students who have learning disabilities turn to juvenile delinquency, and not all delinquents have what is defined as a learning disability. However a strong correlation does appear to exist-- one that I believe deserves to be investigated.

As a teacher I believe that it is imperative that we state our commitment to dealing with this problem. I am hopeful that this legislation will educate the general public on the extent that learning disabilities occur and will provide for further exploration into the link between learning disabilities and juvenile delinquency.

I believe that the federal government must share the responsibility for establishing a comprehensive plan for dealing with this problem.

This legislation will provide information on a variety of issues that we presently do not have enough facts to deal with. School drop out rates, drug use, truancy and other problems that plague our schools today may have a high correlation with learning disabilities.

I hope that our commitment to this problem does not end with the enactment of this legislation. This is only the first step in dealing with learning problems and juvenile delinquency. We not only have a commitment to these young people but we have a responsibility.

APR 25 197

April 18, 1976

The Honorable Ike Andrews, Chairman
Sub-Committee for Economic Opportunities
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Andrews:

I am writing in strong support of H.R. 1137 National Conference on Learning Disabilities and Juvenile Delinquency, introduced by the Honorable Claude Pepper in January, 1977.

As a psychologist who has worked in the Denver Juvenile Court for some ten years and now as Chief Psychologist at Children's Hospital in Denver, I cannot emphasize strongly enough the need for the kind of public education and awareness that the implementation of this bill will provide. I personally have been active in this very area for most of my professional career and have seen the positive results of just such an approach. As a matter of fact, this very bill is prima facia evidence of what I am speaking. I am taking the liberty of enclosing a copy of a letter of intent addressed to the Honorable Sam Steiger (March 16, 1975) in which our goals and proposals in this direction are outlined. This bill, of course, goes much farther than was earlier suggested. The plan to have a "White House Conference" as an end goal is, in my opinion, of critical importance. With a recidivism rate of 87% in delinquency and rising, it is obvious that new and innovative approaches must be developed.

It is also obvious that many segments of our population, both public and professional, are in one way or another touched by the problem of delinquency. For this reason, I would strongly urge the recommendation that the public be more involved in the planning of the national meetings, in participating in them, and in having access of attendance. I would suggest that the ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES be designated as a co-director or partner, along with the COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION in the development of this program. The A.C.L.D. organization, through its Adolescent Affairs Committee, already has several years' experience in just such conferences and meetings throughout the United States. A.C.L.D., it seems to me, can add the balance that will insure, in part, the representation of both the involved public and the consuming public. By this system of checks and balances a far more effective program can be developed.

I also respectfully enclose a chapter I authored for Dr. Helmer Myklebust's book entitled PROGRESS IN LEARNING DISABILITIES, VOL. III, Grune and Stratton, 1976, which outlines many of the arguments that could be related here.

I thank you for the opportunity to comment by this letter.

Sincerely,

Chester D. Poremba, Ph.D.
Chief Psychologist, Children's Hospital

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cc: Congressman Claude Pepper
Room 2239 Rayburn House Office
Rayburn House Office Bldg.
Washington, D.C. 20515

APR 26 1977

1446 Garfield
Denver, CO 80206
April 21, 1977

Honorable Ike F. Andrews
Chairman Subcommittee for
Economic Opportunity
Committee on Education & Labor
228 Cannon House Office Bldg.
Washington, D. C. 20515

Dear Congressman Andrews;

I am writing this letter to give my fullest support on House Bill 1137 National Conference on Learning Disabilities and Juvenile Delinquency Act introduced by Congressman Claude Pepper from Florida.

I myself have a learning disability and was not diagonized until I was 26 years old. I too have experienced many of the problems that the L. D. Child, Adolescent and Adult encounter. However, thanks to some very beautiful people such as my mother, a few teachers, college professors, [illegible]erick Roth and Dr. Poremba. I have overcome some of the obstacles that face L. D. persons.

There are so many L. D. persons who are less fortunate then me. Studies have shown that over 90% of our juvenile delinquents have been diagonized as having learning disabilities. 60% of the people today in penal institutions have learning disabilities. Today many students are doing poor in school, flunking out yet these students have average or above average intelligence but because of society failure to recognize these problems these kids are droping out of society, turning toward to alcohol and drugs.

It's time now as a nation that we take on the problem of learning disabilities and bring it out in the open. The LEAA is doing an excellent job but I believe citizens representation should be represented with this bill. Therefore, I am suggesting that funds be alloted to the National Association for Children with Learning Disabilities Adolescent Affairs. Through this passage and the work of the National ACLD we can see the goal the Association set forth when founded back in the early 60's and that is Help Stamp Out Learning Disabilities.

This bill would open the door to so many people who all there lives have been called dumb, lazy, stupid, & no good. It truly would be a beginning of a new era and the reduction of crime, violence, drug useage, acholism and suicide.

I am enclosing two articles which briefly tell you of some of my experience I have encountered. I would like to close with a verse from a Song Pete Seeger wrote called One Man's Hands "If two and two and fifty make a million we'll see that day come round, we'll see that day come round," When Learning Disabilities will be stamped out! With Passage of Bill 1137 it could be done.

Kindly Yours,

Hal Ewoldt

Hal Ewoldt,
President Denver Chapter ACLD